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The Teachers' Superannuation Act, 1949.

MR. PORTER

TORONTO

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EXPLANATORY NOTES

This Act will replace *The Teachers' and Inspectors' Superannuation Act, 1946.*

The Teachers' and Inspectors' Superannuation Commission is continued as the Teachers' Superannuation Commission and when the change provided for is completed, the Commission will be composed of nine instead of seven members. See sections 2 and 59 of the Bill.

If the fund is insufficient to meet the demands made upon it, the deficiency will be made up out of the Consolidated Revenue Fund to conform with the principle of *The Public Service Act*. See section 8 of the Bill.

The rate of teachers' contributions is increased from four per centum to six per centum of salary commencing next September. Where the annual salary is less than \$1,000 it is deemed to be \$1,000. Under the present Act it is \$800. See sections 17 and 61 of the Bill.

The new Act will permit retirement on full pension at 62 (instead of 65 in the case of males and 62 in the case of females) after 35 years of teaching (instead of 36). See sections 24 and 25 of the Bill.

The basic formula for computing the amount of pension is—divide the amount of average salary for the last 15 years (instead of for all years subsequent to 1917) of service by 50 (instead of 60) and multiply the result by the number of years of service credit not exceeding 35 (instead of 36). See section 24 (2) of the Bill.

The basic minimum pension will be \$600 (instead of \$500). See section 24 (2) (b) of the Bill.

The maximum pension is increased from \$1,500 to \$3,000. See section 24 (2) (c) of the Bill.

A new class of pension is provided for persons who have more than 25 but less than 30 years of service at the normal retiring age. See section 27 of the Bill.

Provision is also made for annual allowances to dependants. This is new. See section 31 of the Bill.

Partial pensions are increased for those who have not sufficient qualification of age or service to become entitled to full pension. The minimum is raised from \$210 to \$600. See sections 26 (2) and 27 (2) of the Bill.

The minimum partial disability pension is increased from \$240 to \$600. See section 29 (2) of the Bill.

Provision is made for refund of contributions by instalments to accord with the principle now contained in *The Public Service Act*. See section 45 of the Bill.

A person who has withdrawn his superannuation contributions and later returns to the profession is given the option of being considered a new teacher or of repaying the withdrawn contributions and thus being given credit for former years of teaching. See sections 47 and 48 of the Bill.

Allowances now being paid are increased from the 1st of April, 1949, at the rate of \$120 per annum and where the amount of the allowance after the increase has been added is less than \$600, it will be \$600. See section 62 of the Bill.

Persons who cease teaching after the 1st of March 1949, will have their allowance computed under the new Act and persons who ceased to teach before the 1st of March, 1949, will have their allowance computed under the predecessor of the new Act that was in force when they ceased to teach, but such allowance will be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it will be \$600. See section 63 of the Bill.

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The Teachers' Superannuation Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation.—

- (a) “board” means board of public school trustees, “board”; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) “Commission” means Teachers’ Superannuation Commission; “Commission”;
- (c) “Department” means Department of Education; “Department”;
- (d) “employed” means engaged under contract for any “employed”; period,
 - (i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute, provincial normal school or a school to which *The Vocational Education Act* applies, Rev. Stat., c. 369.
 - (ii) as a teacher in a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in a school outside of Ontario under a teachers’ exchange system authorized by the Minister,
 - (iv) as a teacher in any school or class maintained for the instruction of discharged members of His Majesty’s forces by the Government of Canada or Ontario, or both, and

designated by the regulations, where the teacher has at his own option elected to come within this Act,

- (v) as an inspector or in any supervisory capacity by a board,
- (vi) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or
- (vii) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (viii) is not qualified as a teacher under the Acts and regulations administered by the Department,
- (ix) is engaged for less than twenty hours per week to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,
- (x) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
- (xi) is a contributor to any fund to which the Crown contributes except the fund under this Act;

"fund"; (e) "fund" means Teachers' Superannuation Fund; 1946, c. 96, s. 1, cls. *a-e*; 1948, c. 90, s. 1, *amended*.

"Minister"; (f) "Minister" means Minister of Education; and

"regulations". (g) "regulations" means regulations made under this Act. 1946, c. 96, s. 1, cls. *g, h*.

Commission continued; **2.—(1)** The Teachers' and Inspectors' Superannuation Commission is continued under the name "Teachers' Superannuation Commission".

composition; (2) The Commission shall be composed of,—

- (a) five persons each of whom shall hold office for a period of three years and shall be appointed by the Minister; and
- (b) four persons who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the contributors to the fund,
 - (i) one of whom shall be elected from and by the members of The Federation of Women Teachers' Associations of Ontario,
 - (ii) one of whom shall be elected from and by the members of The Ontario Secondary School Teachers' Federation,
 - (iii) one of whom shall be elected from and by the members of The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario, and
 - (iv) one of whom shall be elected from and by the members of The Ontario Public School Men Teachers' Federation and the male public school inspectors. 1946, c. 96, s. 2 (1), *amended.*

(3) The Minister shall designate triennially one of the chairman; members as chairman. 1946, c. 96, s. 2 (2).

(4) When a vacancy occurs among the members, another vacancies; member shall be appointed or elected, as the case may be, so soon as may be practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces. 1946, c. 96, s. 2 (3), *amended.*

(5) Each member shall be eligible for re-appointment or ^{etc.;} re-election, as the case may be. *New.*

(6) Each member shall hold office until his successor is ^{term of} appointed or elected, as the case may be. 1946, c. 96, s. 2 (4).

(7) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman may determine. 1946, c. 96, s. 3 (1).

(8) Six members shall constitute a quorum. 1946, c. 96, ^{quorum.} s. 3 (2), *amended.*

Duties and powers. **3.** It shall be the duty of the Commission to administer this Act and in so doing it shall determine the right of every applicant to receive an allowance or a refund and the amount thereof. 1946, c. 96, s. 4, *amended*.

Officers, clerks, etc. **4.** The Lieutenant-Governor in Council may appoint a secretary, an actuary, a solicitor, a medical referee and such other officers and staff of the Commission as he may deem proper, all of whom shall be paid out of the fund. 1946, c. 96, s. 5, *amended*.

Fund. **5.—(1)** The Teachers' and Inspectors' Superannuation Fund is continued under the name "Teachers' Superannuation Fund". 1946, c. 96, s. 6 (1), *amended*.

Custodian of fund. **(2)** The Treasurer of Ontario shall be the custodian of the fund. 1946, c. 96, s. 6 (2).

Actuarial valuation. **(3)** There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 1st day of July, 1951, but the Minister may direct an additional valuation to be made at any time. 1946, c. 96, s. 6 (3), *amended*.

Receiving gifts, etc. for fund. **6.** The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof into the fund to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. 1946, c. 96, s. 7.

Issue of Ontario Government stock confirmed. **7.—(1)** The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of four and three-quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. 1946, c. 96, s. 8 (1).

Debentures authorized annually—1942-1952. **(2)** In each year during the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. 1946, c. 96, s. 8 (2), *amended*.

Forty-year debentures authorized—1952. **(3)** On the 1st day of November, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund

and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 2, such debentures or stock to become due and payable on the 31st day of October, 1992, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(4) In each year during the period commencing the 1st Debentures authorized annually—
day of November, 1952, and ending on the 31st day of October, 1962, the Treasurer of Ontario shall issue Ontario Government Debentures authorized 1952-1962.
debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1962, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(5) On the 1st day of November, 1962, the Treasurer of Ontario shall issue Ontario Government debentures or stock Forty-year debentures authorized —1962.
for the amount of the surplus funds accumulated and not required for current expenditure, such debentures or stock to become due and payable on the 31st day of October, 2002, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. *New.*

(6) In each year during each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government Debentures authorized —ten-year periods.
debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period.

(7) On the 1st day of November, 1972, and on the 1st day Forty-year debentures.
of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 6, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 6 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. 1946, c. 96, s. 8 (3, 4), *amended.*

Charge on Consolidated Revenue Fund. (8) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. 1946, c. 96, s. 8 (5).

Securities to be deposited. (9) All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. 1946, c. 96, s. 9.

Deficiency. 8. When the payments into the fund in any year are insufficient to make the required payments out of the fund, the deficiency shall be made up out of the Consolidated Revenue Fund. *New.*

Accounts. 9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund. 1946, c. 96, s. 10, *amended*.

Fiscal year. 10. The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year of the Commission. 1946, c. 96, s. 11, *amended*.

Interest. 11. Except where otherwise specifically provided by this Act,—

(a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and

(b) interest shall be payable on any payment into or out of the fund, other than an allowance, which is six months or more in arrears. 1946, c. 96, s. 12, *amended*.

Audit.

12.—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested shall be examined and checked in each year by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he may require.

Costs and expenses of audit.

(2) The cost of such audits and reports shall be paid by the Commission out of the fund. 1946, c. 96, s. 13, *amended*.

Annual report.

13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission.

Tabling report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. *New.*

14. An account shall be kept in a chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. 1946, c. 96, s. 14.

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act shall be payable out of the fund and every such payment shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

(2) The payee of a cheque for any allowance shall indicate on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. 1946, c. 96, s. 15, *amended*.

16. The Treasurer of Ontario, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1946, c. 96, s. 16.

17.—(1) Every person who is employed shall contribute to the fund six per centum of his salary.

(2) Where the annual rate of salary is less than \$1,000 it shall, for the purposes of this section, be deemed to be at the annual rate of \$1,000.

(3) In this section “salary” includes cost of living or other bonus but does not include any additional remuneration for special services performed at evening classes.

(4) Where a person receives part of his salary in respect of employment of a type prescribed in subclauses i to vii of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

(a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and

- (b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. 1946, c. 96, ss. 17, 19, *amended*.

Contribu-
tions to be
deducted.

- 18.**—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. 1946, c. 96, s. 20 (1), *amended*.

Contribu-
tions to be
reported to
Commission.

- (2) Every board and other authority shall report contributions to the Commission as if annual salaries were paid in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. 1946, c. 96, s. 20 (2).

Special
cases.

- 19.** In the case of a person who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such person shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. 1946, c. 96, s. 21, *amended*.

When
teacher
may make
contributions
directly.

20. A person who,—

- (a) ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for any period permitted by the regulations;
- (b) is employed for twenty or more hours per week by two or more boards as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c) is employed by a board that refuses or neglects to comply with section 18, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

may contribute to the fund on such terms and conditions and at such times as the regulations may prescribe. 1946, c. 96, s. 22 (1), *amended*.

21. Any contribution, except when made under clause *a* Error in tendering of section 20, that through error has not been received in contribution, the regular way and at the customary time may be subsequently accepted by the Commission. 1946, c. 96, s. 23, amended.

22. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 18, place to the credit of the fund sums equal to two-thirds of those contributed under section 17. 1946, c. 96, s. 24, amended.

23. All sums placed to the credit of the fund during interest any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. 1946, c. 96, s. 25.

24.—(1) Every person who,—

Retirement
at 62 after
35 years
service.

- (a) has credit in the fund for thirty-five or more school years;
- (b) is sixty-two or more years of age; and
- (c) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed by amount, dividing the amount of his average salary for the last fifteen years for which he made contributions to the fund by fifty and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding thirty-five, provided that,—

- (a) for the purpose of computing the amount of such allowance,
 - (i) each school year for which his contributions are in the fund at the time of his application for an allowance shall count as a school year of credit,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which

contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit,

(iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of credit, and

(iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit;

(b) if the amount of such allowance as computed is less than \$600, it shall be \$600; and

(c) if the amount of such allowance as computed is more than \$3,000, it shall be \$3,000. 1946, c. 96, s. 27, *amended.*

Retirement
after 40
years'
service.

25.—(1) Every person who,—

(a) has credit in the fund for forty or more school years; and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24. 1946, c. 96, s. 28, *amended.*

Retirement
after 30
years'
service.

26.—(1) Every person who,—

(a) has credit in the fund for thirty or more school years; and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600. 1946, c. 96, s. 29, *amended.*

27.—(1) Every person who,—

Retirement
after
25 years'
service.

- (a) has credit in the fund for twenty-five or more but less than thirty years;
- (b) has been employed for five years or more after attaining the age of fifty-five years; and
- (c) after attaining the age of sixty-two years has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in the Amount. manner prescribed in subsection 2 of section 24 but shall be subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600.

New.

28.—(1) Every person who,—

Retirement
on account
of total
permanent
disability.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime. 1946, c. 96, s. 30 (1), *amended*.

(2) The amount of such allowance shall be computed in the Amount. manner prescribed by subsection 2 of section 24. 1946, c. 96, s. 30 (2).

29.—(1) Every person who,—

Retirement
on account
of permanent
disability
as teacher.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 per annum. 1946, c. 96, s. 31, *amended*.

Person with impairment.

30.—(1) Where the medical examination prescribed for admission to the Ontario College of Education or a normal school discloses in any person a mental or physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, such person shall be admitted to the college or school only after he signs a consent, in the prescribed form, to have this section apply to him in the event of his becoming employed.

Allowance.

(2) Every person who has signed a consent under subsection 1, who,—

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(3) The amount of such allowance shall be,—

R.S.C. c. 7.

- (a) in the case of a person who has credit in the fund for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and
- (b) in the case of a person who has credit in the fund for thirty or more school years,
 - (i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

- (ii) the amount computed in the manner prescribed by clause *a*,

whichever is the larger. 1946, c. 96, s. 32, *amended*.

31.—(1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or where a male person who is in receipt of an allowance dies,—

- (a) leaving a widow, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24, but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24 but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 1 shall not apply to the widow of a person if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of any such widow.

Where dependant's allowance to be reduced.

(3) Where the widow was at least ten years younger than her deceased husband, the payments made under subsection 1 shall be reduced in such manner and in such amount as the regulations may prescribe.

Where person is a female.

(4) This section shall apply *mutatis mutandis* to the widower of a female person where,—

- (a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time of her death or at the time of her cessation of employment, whichever was the earlier;
- (b) she had been married to the widower for at least ten years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and
- (c) the child or children, if any, were fully supported by the person at the time of her death.

Widow's children.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person who was a widow at the time of her death.

Minimum dependant's allowance.

(6) The minimum payment under this section shall be at the rate of \$300 per annum. *New.*

Annuity in lieu of annual allowance.

32.—(1) A person to whom section 31 cannot apply may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate to any dependant named in any such direction.

Where direction not given.

(2) A person who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.

Revocation of direction.

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a person who has given a direction under this section dies,—

- (a) before he makes application for an allowance; or
- (b) before he ceases to be employed,

the direction shall have no effect. 1946, c. 96, s. 33, *amended*.

33. An allowance under this Act shall be made only after Applications the receipt by the Commission of an application therefor in ^{for} allowances. the prescribed form. 1946, c. 96, s. 34, *amended*.

34. No application for a disability allowance shall be ^{Proof of} considered by the Commission until the Commission has ^{disability} obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of the medical referee of the Commission containing such recommendations as he may deem proper with regard to the granting of an allowance to the applicant. 1946, c. 96, s. 35, *amended*.

35. A person shall not be entitled to receive at any one time more than one allowance under this Act. 1946, c. 96, ^{Only one allowance to be received.} s. 36, *amended*.

36. Every allowance shall be payable in monthly instalments and shall be apportionable to the date of death. 1946, ^{Allowances to be paid monthly.} c. 96, s. 37, *amended*.

37.—(1) Every allowance shall commence as of the first day of the month next following the month during which the applicant ceased to be employed, provided that a disability allowance shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. 1946, c. 96, s. 38, *amended*.

(2) Every dependant's allowance shall commence as of the day following the death of the person in respect of whom it is payable. *New.* ^{Commencement of dependants' allowances.}

38.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed upon either a temporary or a permanent basis he shall forthwith give notice in writing thereof to the Commission and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. ^{Re-employment.}

(2) Where a person who is receiving a disability allowance becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a ^{Idem.}

temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. 1946, c. 96, s. 39, *amended*.

Re-employment effect.

39.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed,—

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the fund during the period that he is employed.

Idem.

(2) Where a person who is receiving a disability allowance becomes employed,—

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the fund during the period that he is employed; and
- (c) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Idem.

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

- (a) the allowance shall cease to be paid; and
 - (b) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.
- 1946, c. 96, s. 40, *amended*.

Resumption of super-annuation allowance.

40. Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed,—

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;
- (b) in the case of a person who has been so employed for a period of two or more school years an application for an allowance shall be treated as an application for a new allowance; and

(c) in no case shall he be entitled to receive a disability allowance. 1946, c. 96, s. 41, *amended*.

41. Where a person receiving a disability allowance becomes employed or becomes engaged as a teacher within or outside of Ontario,— Recipient of disability allowance becoming employed.

(a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and

(b) any allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the fund in accordance with section 39. 1946, c. 96, s. 42, *amended*.

42.—(1) The Commission may at any time require any person who,— Evidence of mental or physical condition.

(a) is receiving a disability allowance under section 28 or 29; or

(b) having been employed for less than thirty years, is receiving a disability allowance under section 30; or

(c) being a widower, is receiving a dependant's allowance,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section pursuant to which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. 1946, c. 96, s. 43 (1, 2), *amended*. Failure to furnish evidence.

43. Where the Commission is satisfied that any person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to him shall be made payable to a member of his family or household and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. 1946, c. 96, s. 44, *amended*. Where payee incapable.

44. The interest of any person in the fund and any allowance under this Act shall not be subject to garnishment, No attachment, etc.

attachment, seizure or other process of law and shall not be assignable. 1946, c. 96, s. 45, *amended*.

Refunds,
application
for.

45.—(1) Any refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form.

Payment in
lump sum.

(2) Where the amount of a refund is less than \$800 it shall be paid in a lump sum.

Refund
over \$800.

(3) Where the amount of a refund is \$800 or more it shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. 1946, c. 96, s. 48, *amended*.

Retirement
after 5 years.

46.—(1) A person who has been employed for five or more school years and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund with interest at the rate of one and one-half per centum per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed.

Forced re-
tirement.

(2) A person who has been employed for fifteen or more school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly.

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a person shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for twenty days or more. 1946, c. 96, s. 49 (1-3), *amended*.

Second
refund.

47. A person who has withdrawn his contributions from the fund and subsequently is employed for an additional period of five years or more and ceases to be so employed after the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund during such additional period, but no such refund shall

be made until three months have elapsed after the date upon which the person ceased to be employed. 1946, c. 96, s. 49 (5), *amended*.

48. A person who has withdrawn his contributions from the fund and subsequently is employed may,—

Repayment
on re-
employment.

- (a) within two years after the day upon which he completes twenty days of teaching in a school year, or the 1st day of July, 1951, whichever is the later date, notify the Commission in writing of his desire to be reinstated in respect of his former period of employment; and
- (b) after having so notified the Commission, repay into the fund within five years after the day upon which he completes twenty days of teaching in a school year, the amount previously refunded to him,

but failing either or both of which he shall have no interest in the fund in respect of any part of his former period of employment. *New.*

49. Where a person ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again is employed, he shall have no claim thereto. 1946, c. 96, s. 50 (1), *amended*.

50. Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 50 (2), *amended*.

51. Where a person who is in receipt of a superannuation allowance becomes employed no refund in respect of his contributions made after his return to employment shall be made except upon his death. 1946, c. 96, s. 51, *amended*.

52. Notwithstanding sections 49, 50 and 51, a person who has been employed for fewer than twenty days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest. 1946, c. 96, s. 52, *amended*.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies, his personal representative shall be entitled to a refund of an

Death before
receiving an
allowance.

amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (1), *amended*.

Death after becoming entitled to allowance.

54. Where a person who is in receipt of an allowance dies, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (2), *amended*.

Refund where disability allowance ceased to be paid.

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 43 (3), *amended*.

Refund where dependant's allowance less than contributions.

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at three per centum per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest at three per centum per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

New.

Regulations.

57. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the powers and duties of the officers of the Commission, or any of them;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for any allowance or refund and the information and material to be

- furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;
- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
 - (f) requiring persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
 - (g) authorizing the Commission to require persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
 - (h) prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 26, 27 and 29;
 - (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 32;
 - (j) governing persons who are absent from duty because of ill-health or for the purpose of taking any course of study designated by the regulations or approved by the Commission, or for a period of sabbatical leave under the by-laws of the employing board, and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such person and the credit to which he shall be entitled in respect of any such period of absence from duty;
 - (k) prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
 - (i) in any province of Canada,
 - (ii) in any other part of the British Commonwealth of Nations, or
 - (iii) in any school for Indians maintained by the Government of Canada,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit;

- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part;
- (m) prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during any period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;
- (n) prescribing special provisions in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
 - (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
 - (iv) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
- (o) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;

- (p) designating schools or classes within the meaning of subclause iv of clause d of section 1;
- (q) prescribing forms for use under the Act and regulations;
- (r) respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of *The Teachers' and Inspectors' Superannuation Act, 1946*, c. 96. and the substitution of this Act; and
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 96, s. 54, amended.

58. Every person on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses or the Royal Ontario Museum who was a contributor to the Teachers' and Inspectors' Superannuation Fund on the 1st day of July, 1946, shall, notwithstanding any of the provisions of this Act and so long as he remains on any such instructional staff and so long as he does not contribute to any other superannuation fund to which the Crown contributes, be deemed to be employed within the meaning of this Act. *New.*

Certain contributors on
July 1st,
1946, may
continue to
contribute.

59.—(1) The members of the Commission in office when this Act comes into force shall continue in office as though this Act had not been passed.

(2) The fifth appointed member of the Commission provided for in this Act shall be appointed by the Minister under section 2 for a three-year term commencing the 1st day of June, 1950. *New.*

(3) The elected members of the Commission representing,—

Elected
members.

- (a) The Federation of Women Teachers' Associations of Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1949;
- (b) The Ontario Secondary School Teachers' Federation shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;
- (c) The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;

(d) The Ontario Public School Men Teachers' Federation and the male public school inspectors shall be elected under section 2 for a three-year term commencing the 1st day of June, 1951. *New.*

Present officers.

60. The officers of the Commission in office when this Act comes into force shall continue in office during pleasure. *New.*

**Rate of contribution,—
when to apply.**

61. The rate of contribution to the fund prescribed by section 17 of this Act shall apply to contributions made after the 1st day of September, 1949. *New.*

**Present allowances continued and increased.
1946, c. 96.**

62.—(1) Every allowance under *The Teachers' and Inspectors' Superannuation Act, 1946* being paid at the time this Act comes into force is continued, and from the 1st day of April, 1949, shall be increased at the rate of \$120 per annum.

**Minimum
\$600.**

(2) Where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

Where employment ceases after March 1st, 1949.

63.—(1) Where a person ceases to be employed after the 1st day of March, 1949, his allowance shall be computed under this Act.

Where employment ceases before March 1st, 1949.

(2) Where a person ceased to be employed before the 1st day of March, 1949, his allowance shall be computed under the predecessor of this Act that was in force when he ceased to be employed and shall be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

**1946, c. 96;
1948, c. 90,
repealed.**

64. *The Teachers' and Inspectors' Superannuation Act, 1946* and *The Teachers' and Inspectors' Superannuation Amendment Act, 1948* are repealed.

Commencement of Act.

65. This Act shall come into force on the 1st day of April, 1949.

Short title.

66. This Act may be cited as *The Teachers' Superannuation Act, 1949.*

BILL

The Teachers' Superannuation Act, 1949.

1st Reading

March 14th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Teachers' Superannuation Act, 1949.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

This Act will replace *The Teachers' and Inspectors' Superannuation Act, 1946.*

The Teachers' and Inspectors' Superannuation Commission is continued as the Teachers' Superannuation Commission and when the change provided for is completed, the Commission will be composed of nine instead of seven members. See sections 2 and 59 of the Bill.

If the fund is insufficient to meet the demands made upon it, the deficiency will be made up out of the Consolidated Revenue Fund to conform with the principle of *The Public Service Act*. See section 8 of the Bill.

The rate of teachers' contributions is increased from four per centum to six per centum of salary commencing next September. Where the annual salary is less than \$1,000 it is deemed to be \$1,000. Under the present Act it is \$800. See sections 17 and 61 of the Bill.

The new Act will permit retirement on full pension at 62 (instead of 65 in the case of males and 62 in the case of females) after 35 years of teaching (instead of 36). See sections 24 and 25 of the Bill.

The basic formula for computing the amount of pension is—divide the amount of average salary for the last 15 years (instead of for all years subsequent to 1917) of service by 50 (instead of 60) and multiply the result by the number of years of service credit not exceeding 35 (instead of 36). See section 24 (2) of the Bill.

The basic minimum pension will be \$600 (instead of \$500). See section 24 (2) (b) of the Bill.

The maximum pension is increased from \$1,500 to \$3,000. See section 24 (2) (c) of the Bill.

A new class of pension is provided for persons who have more than 25 but less than 30 years of service at the normal retiring age. See section 27 of the Bill.

Provision is also made for annual allowances to dependants. This is new. See section 31 of the Bill.

Partial pensions are increased for those who have not sufficient qualification of age or service to become entitled to full pension. The minimum is raised from \$210 to \$600. See sections 26 (2) and 27 (2) of the Bill.

The minimum partial disability pension is increased from \$240 to \$600. See section 29 (2) of the Bill.

Provision is made for refund of contributions by instalments to accord with the principle now contained in *The Public Service Act*. See section 45 of the Bill.

A person who has withdrawn his superannuation contributions and later returns to the profession is given the option of being considered a new teacher or of repaying the withdrawn contributions and thus being given credit for former years of teaching. See sections 47 and 48 of the Bill.

Allowances now being paid are increased from the 1st of April, 1949, at the rate of \$120 per annum and where the amount of the allowance after the increase has been added is less than \$600, it will be \$600. See section 62 of the Bill.

Persons who cease teaching after the 1st of March 1949, will have their allowance computed under the new Act and persons who ceased to teach before the 1st of March, 1949, will have their allowance computed under the predecessor of the new Act that was in force when they ceased to teach, but such allowance will be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it will be \$600. See section 63 of the Bill.

No. 132

1949

BILL

The Teachers' Superannuation Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "board" means board of public school trustees, "board"; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) "Commission" means Teachers' Superannuation "Commission"; Commission;
- (c) "Department" means Department of Education; "Department";
- (d) "employed" means engaged under contract for any "employed"; period,
 - (i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute, provincial normal school or a school to which *The Vocational Education Act* applies, Rev. Stat., c. 369.
 - (ii) as a teacher in a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in a school outside of Ontario under a teachers' exchange system authorized by the Minister,
 - (iv) as a teacher in any school or class maintained for the instruction of discharged members of His Majesty's forces by the Government of Canada or Ontario, or both, and

designated by the regulations, where the teacher has at his own option elected to come within this Act,

- (v) as an inspector or in any supervisory capacity by a board,
- (vi) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or
- (vii) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (viii) is not qualified as a teacher under the Acts and regulations administered by the Department,
- (ix) is engaged for less than twenty hours per week to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,
- (x) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
- (xi) is a contributor to any fund to which the Crown contributes except the fund under this Act;

"fund"; (e) "fund" means Teachers' Superannuation Fund; 1946, c. 96, s. 1, cls. *a-e*; 1948, c. 90, s. 1, *amended*.

"Minister"; (f) "Minister" means Minister of Education; and

"regulations". (g) "regulations" means regulations made under this Act. 1946, c. 96, s. 1, cls. *g, h*.

Commission continued; **2.**—(1) The Teachers' and Inspectors' Superannuation Commission is continued under the name "Teachers' Superannuation Commission".

composition; (2) The Commission shall be composed of,—

- (a) five persons each of whom shall hold office for a period of three years and shall be appointed by the Minister; and
- (b) four persons who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the contributors to the fund,
 - (i) one of whom shall be elected from and by the members of The Federation of Women Teachers' Associations of Ontario,
 - (ii) one of whom shall be elected from and by the members of The Ontario Secondary School Teachers' Federation,
 - (iii) one of whom shall be elected from and by the members of The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario, and
 - (iv) one of whom shall be elected from and by the members of The Ontario Public School Men Teachers' Federation and the male public school inspectors. 1946, c. 96, s. 2 (1), *amended.*
- (3) The Minister shall designate triennially one of the ^{chairman;} members as chairman. 1946, c. 96, s. 2 (2).
- (4) When a vacancy occurs among the members, another ^{vacancies;} member shall be appointed or elected, as the case may be, so soon as may be practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces. 1946, c. 96, s. 2 (3), *amended.*
- (5) Each member shall be eligible for re-appointment or <sup>re-election,
etc.;</sup> re-election, as the case may be. *New.*
- (6) Each member shall hold office until his successor is <sup>term of
office;</sup> appointed or elected, as the case may be. 1946, c. 96, s. 2 (4).
- (7) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman may determine. 1946, c. 96, s. 3 (1).
- (8) Six members shall constitute a quorum. 1946, c. 96, ^{quorum.} s. 3 (2), *amended.*

**Duties
and powers.**

3. It shall be the duty of the Commission to administer this Act and in so doing it shall determine the right of every applicant to receive an allowance or a refund and the amount thereof. 1946, c. 96, s. 4, *amended*.

**Officers,
clerks, etc.**

4. The Lieutenant-Governor in Council may appoint a secretary, an actuary, a solicitor, a medical referee and such other officers and staff of the Commission as he may deem proper, all of whom shall be paid out of the fund. 1946, c. 96, s. 5, *amended*.

Fund.

5.—(1) The Teachers' and Inspectors' Superannuation Fund is continued under the name "Teachers' Superannuation Fund". 1946, c. 96, s. 6 (1), *amended*.

**Custodian
of fund.**

(2) The Treasurer of Ontario shall be the custodian of the fund. 1946, c. 96, s. 6 (2)..

**Actuarial
valuation.**

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 1st day of July, 1951, but the Minister may direct an additional valuation to be made at any time. 1946, c. 96, s. 6 (3), *amended*.

**Receiving
gifts, etc.
for fund.**

6. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof into the fund to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. 1946, c. 96, s. 7.

**Issue of
Ontario
Government
stock
confirmed.**

7.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of four and three-quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. 1946, c. 96, s. 8 (1).

**Debentures
authorized
annually—
1942-1952.**

(2) In each year during the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. 1946, c. 96, s. 8 (2), *amended*.

**Forty-year
debentures
authorized
—1952.**

(3) On the 1st day of November, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund

and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 2, such debentures or stock to become due and payable on the 31st day of October, 1992, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(4) In each year during the period commencing the 1st day of November, 1952, and ending on the 31st day of October, 1962, the Treasurer of Ontario shall issue Ontario Government Debentures authorized annually—1952-1962. debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1962, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(5) On the 1st day of November, 1962, the Treasurer of Ontario shall issue Ontario Government debentures or stock Forty-year debentures authorized—1962. for the amount of the surplus funds accumulated and not required for current expenditure, such debentures or stock to become due and payable on the 31st day of October, 2002, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. *New.*

(6) In each year during each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government Debentures authorized—ten-year periods. debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period.

(7) On the 1st day of November, 1972, and on the 1st day Forty-year debentures. of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 6, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 6 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. 1946, c. 96, s. 8 (3, 4), amended.

Charge on Consolidated Revenue Fund. (8) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. 1946, c. 96, s. 8 (5).

Securities to be deposited. (9) All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. 1946, c. 96, s. 9.

Deficiency. 8. When the payments into the fund in any year are insufficient to make the required payments out of the fund, the deficiency shall be made up out of the Consolidated Revenue Fund. *New.*

Accounts. 9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund. 1946, c. 96, s. 10, *amended*.

Fiscal year. 10. The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year of the Commission. 1946, c. 96, s. 11, *amended*.

Interest. 11. Except where otherwise specifically provided by this Act,—

(a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and

(b) interest shall be payable on any payment into or out of the fund, other than an allowance, which is six months or more in arrears. 1946, c. 96, s. 12, *amended*.

Audit. 12.—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested shall be examined and checked in each year by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he may require.

Costs and expenses of audit. (2) The cost of such audits and reports shall be paid by the Commission out of the fund. 1946, c. 96, s. 13, *amended*.

Annual report. 13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission.

Tabling report. (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. *New.*

14. An account shall be kept in a chartered bank of ^{Payments into fund.} Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. 1946, c. 96, s. 14.

15.—(1) Every allowance, every refund, and the expenses ^{Payments out of fund.} of the administration of this Act shall be payable out of the fund and every such payment shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

(2) The payee of a cheque for any allowance shall indicate ^{Days of employment to be indicated.} on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. 1946, c. 96, s. 15, *amended*.

16. The Treasurer of Ontario, as custodian of the fund, ^{Bank loans.} may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1946, c. 96, s. 16.

17.—(1) Every person who is employed shall contribute ^{Contributions.} to the fund six per centum of his salary.

(2) Where the annual rate of salary is less than \$1,000 it ^{Salaries under \$1,000.} shall, for the purposes of this section, be deemed to be at \$1,000. the annual rate of \$1,000.

(3) In this section “salary” includes cost of living or other ^{“Salary” defined.} bonus but does not include any additional remuneration for special services performed at evening classes.

(4) Where a person receives part of his salary in respect ^{Salary from different sources.} of employment of a type prescribed in subclauses i to vii of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

(a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and

(b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. 1946, c. 96, ss. 17, 19, *amended*.

Contributions to be deducted.

18.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. 1946, c. 96, s. 20 (1), *amended*.

Contributions to be reported to Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were paid in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. 1946, c. 96, s. 20 (2).

Special cases.

19. In the case of a person who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such person shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. 1946, c. 96, s. 21, *amended*.

When teacher may make contributions directly.

20. A person who,—

- (a)** ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for any period permitted by the regulations;
- (b)** is employed for twenty or more hours per week by two or more boards as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c)** is employed by a board that refuses or neglects to comply with section 18, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

may contribute to the fund on such terms and conditions and at such times as the regulations may prescribe. 1946, c. 96, s. 22 (1), *amended*.

21. Any contribution, except when made under clause *a* Error in tendering of section 20, that through error has not been received in contribution, the regular way and at the customary time may be subsequently accepted by the Commission. 1946, c. 96, s. 23, amended.

22. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 18, place to the credit of the fund sums equal to two-thirds of those contributed under section 17. 1946, c. 96, s. 24, amended.

23. All sums placed to the credit of the fund during interest any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. 1946, c. 96, s. 25.

24.—(1) Every person who,—

Retirement
at 62 after
35 years
service.

- (a) has credit in the fund for thirty-five or more school years;
- (b) is sixty-two or more years of age; and
- (c) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed by amount. dividing the amount of his average salary for the last fifteen years for which he made contributions to the fund by fifty and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding thirty-five, provided that,—

- (a) for the purpose of computing the amount of such allowance,
 - (i) each school year for which his contributions are in the fund at the time of his application for an allowance shall count as a school year of credit,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which

contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit,

- (iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of credit, and
- (iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit;
- (b) if the amount of such allowance as computed is less than \$600, it shall be \$600; and
- (c) if the amount of such allowance as computed is more than \$3,000, it shall be \$3,000. 1946, c. 96, s. 27, *amended.*

Retirement
after 40
years'
service.

25.—(1) Every person who,—

- (a) has credit in the fund for forty or more school years; and
- (b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 28, *amended.*

Retirement
after 30
years'
service.

26.—(1) Every person who,—

- (a) has credit in the fund for thirty or more school years; and
- (b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 29, *amended.*

27.—(1) Every person who,—

Retirement
after
25 years'
service.

- (a) has credit in the fund for twenty-five or more but less than thirty years;
- (b) has been employed for five years or more after attaining the age of fifty-five years; and
- (c) after attaining the age of sixty-two years has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed in subsection 2 of section 24 but shall be Amount. subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,060. *New.*

28.—(1) Every person who,—

Retirement
on account
of total
permanent
disability.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. *1946,*
c. 96, s. 30, amended.

29.—(1) Every person who,—

Retirement
on account of
permanent
disability
as teacher.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 31, *amended*.

Person with impairment.

30.—(1) Where the medical examination prescribed for admission to the Ontario College of Education or a normal school discloses in any person a mental or physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, such person shall be admitted to the college or school only after he signs a consent, in the prescribed form, to have this section apply to him in the event of his becoming employed.

Allowance.

(2) Every person who has signed a consent under subsection 1, who,—

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(3) The amount of such allowance shall be,—

R.S.C. c. 7.

- (a) in the case of a person who has credit in the fund for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and
- (b) in the case of a person who has credit in the fund for thirty or more school years,
 - (i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

- (ii) the amount computed in the manner prescribed by clause *a*,

whichever is the larger. 1946, c. 96, s. 32, *amended*.

31.—(1) Where a male person who has credit in the fund ^{Dependants' allowances.} for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or where a male person who is in receipt of an allowance dies,—

- (a) leaving a widow, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24, but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24 but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 1 shall not apply to the widow of a person ^{Exceptions.} if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of any such widow.

Where dependant's allowance to be reduced.

(3) Where the widow was at least ten years younger than her deceased husband, the payments made under subsection 1 shall be reduced in such manner and in such amount as the regulations may prescribe.

Where person is a female.

(4) This section shall apply *mutatis mutandis* to the widower of a female person where,—

- (a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time of her death or at the time of her cessation of employment, whichever was the earlier;
- (b) she had been married to the widower for at least ten years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and
- (c) the child or children, if any, were fully supported by the person at the time of her death.

Widow's children.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person who was a widow at the time of her death.

Minimum dependant's allowance.

(6) The minimum payment under this section shall be at the rate of \$300 per annum. *New.*

Annuity in lieu of annual allowance.

32.—(1) A person to whom section 31 cannot apply may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate to any dependant named in any such direction.

Where direction not given.

(2) A person who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.

Revocation of direction.

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a person who has given a direction under this section dies,—

- (a) before he makes application for an allowance; or
- (b) before he ceases to be employed,

the direction shall have no effect. 1946, c. 96, s. 33, *amended*.

33. An allowance under this Act shall be made only after Applications the receipt by the Commission of an application therefor in ^{for} allowances. the prescribed form. 1946, c. 96, s. 34, *amended*.

34. No application for a disability allowance shall be ^{Proof of} considered by the Commission until the Commission has ^{disability.} obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of the medical referee of the Commission containing such recommendations as he may deem proper with regard to the granting of an allowance to the applicant. 1946, c. 96, s. 35, *amended*.

35. A person shall not be entitled to receive at any one time more than one allowance under this Act. 1946, c. 96, ^{Only one allowance to be received.} s. 36, *amended*.

36. Every allowance shall be payable in monthly instalments and shall be apportionable to the date of death. 1946, ^{Allowances to be paid monthly.} c. 96, s. 37, *amended*.

37.—(1) Every allowance shall commence as of the first day of the month next following the month during which the applicant ceased to be employed, provided that a disability allowance shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. 1946, c. 96, s. 38, *amended*.

(2) Every dependant's allowance shall commence as of the day following the death of the person in respect of whom it is payable. *New.*

38.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed upon either a temporary or a permanent basis he shall forthwith give notice in writing thereof to the Commission and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs.

(2) Where a person who is receiving a disability allowance becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a

temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. 1946, c. 96, s. 39, *amended*.

Re-employment,
effect.

39.—(1) Where a person who is receiving a superannuation or defendant's allowance becomes employed,—

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the fund during the period that he is employed.

Idem.

(2) Where a person who is receiving a disability allowance becomes employed,—

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the fund during the period that he is employed; and
- (c) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Idem.

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

- (a) the allowance shall cease to be paid; and
- (b) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Resumption
of super-
annuation
allowance.

40. Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed,—

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;
- (b) in the case of a person who has been so employed for a period of two or more school years an application for an allowance shall be treated as an application for a new allowance; and

(c) in no case shall he be entitled to receive a disability allowance. 1946, c. 96, s. 41, *amended*.

41. Where a person receiving a disability allowance becomes employed or becomes engaged as a teacher within or outside of Ontario,— Recipient of disability allowance becoming employed.

(a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and

(b) any allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the fund in accordance with section 39. 1946, c. 96, s. 42, *amended*.

42.—(1) The Commission may at any time require any evidence of mental or physical condition. person who,—

(a) is receiving a disability allowance under section 28 or 29; or

(b) having been employed for less than thirty years, is receiving a disability allowance under section 30; or

(c) being a widower, is receiving a dependant's allowance,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section pursuant to which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. 1946, c. 96, s. 43 (1, 2), *amended*.

43. Where the Commission is satisfied that any person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to him shall be made payable to a member of his family or household and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. 1946, c. 96, s. 44, *amended*.

44. The interest of any person in the fund and any allowance under this Act shall not be subject to garnishment, etc. No attachment, etc.

attachment, seizure or other process of law and shall not be assignable. 1946, c. 96, s. 45, *amended*.

Refunds,—
application
for.

45.—(1) Any refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form.

Payment in
lump sum.

(2) Where the amount of a refund is less than \$800 it shall be paid in a lump sum.

Refund
over \$800.

(3) Where the amount of a refund is \$800 or more it shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. 1946, c. 96, s. 48, *amended*.

Retirement
after 5 years.

46.—(1) A person who has been employed for five or more school years and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund with interest at the rate of one and one-half per centum per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed.

Forced re-
tirement.

(2) A person who has been employed for fifteen or more school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly.

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a person shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for twenty days or more. 1946, c. 96, s. 49 (1-3), *amended*.

Second
refund.

47. A person who has withdrawn his contributions from the fund and subsequently is employed for an additional period of five years or more and ceases to be so employed after the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund during such additional period, but no such refund shall

be made until three months have elapsed after the date upon which the person ceased to be employed. 1946, c. 96, s. 49 (5), *amended*.

48. A person who has withdrawn his contributions from the fund and subsequently is employed may,— Repayment on re-employment.

- (a) within two years after the day upon which he completes twenty days of teaching in a school year, or the 1st day of July, 1951, whichever is the later date, notify the Commission in writing of his desire to be reinstated in respect of his former period of employment; and
- (b) after having so notified the Commission, repay into the fund within five years after the day upon which he completes twenty days of teaching in a school year, the amount previously refunded to him,

but failing either or both of which he shall have no interest in the fund in respect of any part of his former period of employment. *New.*

49. Where a person ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again is employed, he shall have no claim thereto. 1946, c. 96, s. 50 (1), *amended*.

50. Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 50 (2), *amended*.

51. Where a person who is in receipt of a superannuation allowance becomes employed no refund in respect of his contributions made after his return to employment shall be made except upon his death. 1946, c. 96, s. 51, *amended*.

52. Notwithstanding sections 49, 50 and 51, a person who has been employed for fewer than twenty days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest. 1946, c. 96, s. 52, *amended*.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies, his personal representative shall be entitled to a refund of an

amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (1), *amended*.

Death after
becoming
entitled to
allowance.

54. Where a person who is in receipt of an allowance dies, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (2), *amended*.

Refund
where dis-
ability
allowance
ceased to
be paid.

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 43 (3), *amended*.

Refund
where
dependant's
allowance
less than
contribu-
tions.

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at three per centum per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest at three per centum per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

New.

Regulations. **57.** The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the powers and duties of the officers of the Commission, or any of them;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for any allowance or refund and the information and material to be

furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;

- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
- (f) requiring persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (g) authorizing the Commission to require persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (h) prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 26, 27 and 29;
- (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 32;
- (j) governing persons who are absent from duty because of ill-health or for the purpose of taking any course of study designated by the regulations or approved by the Commission, or for a period of sabbatical leave under the by-laws of the employing board, and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such person and the credit to which he shall be entitled in respect of any such period of absence from duty;
- (k) prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
 - (i) in any province of Canada,
 - (ii) in any other part of the British Commonwealth of Nations, or
 - (iii) in any school for Indians maintained by the Government of Canada,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit;

- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part;
- (m) prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during any period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;
- (n) prescribing special provisions in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
 - (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
 - (iv) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
- (o) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;

- (p) designating schools or classes within the meaning of subclause iv of clause d of section 1;
- (q) prescribing forms for use under the Act and regulations;
- (r) respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of *The Teachers' and Inspectors' Superannuation Act, 1946*, c. 96. and the substitution of this Act; and
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 96, s. 54, amended.

58. Every person on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses or the Royal Ontario Museum who was a contributor to the Teachers' and Inspectors' Superannuation Fund on the 1st day of July, 1946, shall, notwithstanding any of the provisions of this Act and so long as he remains on any such instructional staff and so long as he does not contribute to any other superannuation fund to which the Crown contributes, be deemed to be employed within the meaning of this Act. *New.*

Certain contributors on
July 1st,
1946, may
continue to
contribute.

59.—(1) The members of the Commission in office when this Act comes into force shall continue in office as though this Act had not been passed. *Present Commission continued.*

(2) The fifth appointed member of the Commission provided for in this Act shall be appointed by the Minister under section 2 for a three-year term commencing the 1st day of June, 1950. *New.*

(3) The elected members of the Commission representing,— *Elected members.*

- (a) The Federation of Women Teachers' Associations of Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1949;
- (b) The Ontario Secondary School Teachers' Federation shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;
- (c) The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;

(d) The Ontario Public School Men Teachers' Federation and the male public school inspectors shall be elected under section 2 for a three-year term commencing the 1st day of June, 1951. *New.*

Present officers.

60. The officers of the Commission in office when this Act comes into force shall continue in office during pleasure. *New.*

Rate of contribution,—
when to
apply.

61. The rate of contribution to the fund prescribed by section 17 of this Act shall apply to contributions made after the 1st day of September, 1949. *New.*

Present allowances
continued
and
increased.

1946, c. 96.

62.—(1) Every allowance under *The Teachers' and Inspectors' Superannuation Act, 1946* being paid at the time this Act comes into force is continued, and from the 1st day of April, 1949, shall be paid without regard to any maximum specified in the said Act and shall be increased at the rate of \$120 per annum.

Minimum
\$600.

(2) Where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

Where employment
ceases after
March 1st,
1949.

63.—(1) Where a person ceases to be employed after the 1st day of March, 1949, his allowance shall be computed under this Act.

Where employment
ceases before
March 1st,
1949.

(2) Where a person ceased to be employed before the 1st day of March, 1949, his allowance shall be computed under the predecessor of this Act that was in force when he ceased to be employed without regard to any maximum then applicable and shall be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

1946, c. 96;
1948, c. 90,
repealed.

64. *The Teachers' and Inspectors' Superannuation Act, 1946* and *The Teachers' and Inspectors' Superannuation Amendment Act, 1948* are repealed.

Commencement of Act.

65. This Act shall come into force on the 1st day of April, 1949.

Short title.

66. This Act may be cited as *The Teachers' Superannuation Act, 1949.*

BILL

The Teachers' Superannuation Act, 1949.

1st Reading

March 14th, 1949

2nd Reading

March 21st, 1949

3rd Reading

MR. PORTER

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Teachers' Superannuation Act, 1949.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 132

1949

BILL

The Teachers' Superannuation Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.—

- (a) “board” means board of public school trustees, “board”; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) “Commission” means Teachers’ Superannuation “Commission”; Commission;
- (c) “Department” means Department of Education; “Department”;
- (d) “employed” means engaged under contract for any “employed”; period,
 - (i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute, provincial normal school or a school to which *The Vocational Education Act* applies, Rev. Stat., c. 369.
 - (ii) as a teacher in a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in a school outside of Ontario under a teachers’ exchange system authorized by the Minister,
 - (iv) as a teacher in any school or class maintained for the instruction of discharged members of His Majesty’s forces by the Government of Canada or Ontario, or both, and

designated by the regulations, where the teacher has at his own option elected to come within this Act,

- (v) as an inspector or in any supervisory capacity by a board,
- (vi) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or
- (vii) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (viii) is not qualified as a teacher under the Acts and regulations administered by the Department,
- (ix) is engaged for less than twenty hours per week to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,
- (x) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
- (xi) is a contributor to any fund to which the Crown contributes except the fund under this Act;

"fund"; (e) "fund" means Teachers' Superannuation Fund; 1946, c. 96, s. 1, cls. *a-e*; 1948, c. 90, s. 1, *amended*.

"Minister"; (f) "Minister" means Minister of Education; and

"regulations". (g) "regulations" means regulations made under this Act. 1946, c. 96, s. 1, cls. *g, h*.

Commission continued; 2.—(1) The Teachers' and Inspectors' Superannuation Commission is continued under the name "Teachers' Superannuation Commission".

composition; (2) The Commission shall be composed of,—

- (a) five persons each of whom shall hold office for a period of three years and shall be appointed by the Minister; and
- (b) four persons who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the contributors to the fund,
 - (i) one of whom shall be elected from and by the members of The Federation of Women Teachers' Associations of Ontario,
 - (ii) one of whom shall be elected from and by the members of The Ontario Secondary School Teachers' Federation,
 - (iii) one of whom shall be elected from and by the members of The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario, and
 - (iv) one of whom shall be elected from and by the members of The Ontario Public School Men Teachers' Federation and the male public school inspectors. 1946, c. 96, s. 2 (1), *amended.*

(3) The Minister shall designate triennially one of the chairman; members as chairman. 1946, c. 96, s. 2 (2).

(4) When a vacancy occurs among the members, another ~~vacancies~~; member shall be appointed or elected, as the case may be, so soon as may be practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces. 1946, c. 96, s. 2 (3), *amended.*

(5) Each member shall be eligible for re-appointment or ~~re-election~~, ^{etc.;} re-election, as the case may be. *New.*

(6) Each member shall hold office until his successor is ^{term of} ~~office~~; appointed or elected, as the case may be. 1946, c. 96, s. 2 (4).

(7) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman may determine. 1946, c. 96, s. 3 (1).

(8) Six members shall constitute a quorum. 1946, c. 96, ~~quorum.~~ s. 3 (2), *amended.*

**Duties
and powers.**

3. It shall be the duty of the Commission to administer this Act and in so doing it shall determine the right of every applicant to receive an allowance or a refund and the amount thereof. 1946, c. 96, s. 4, *amended*.

**Officers,
clerks, etc.**

4. The Lieutenant-Governor in Council may appoint a secretary, an actuary, a solicitor, a medical referee and such other officers and staff of the Commission as he may deem proper, all of whom shall be paid out of the fund. 1946, c. 96, s. 5, *amended*.

Fund.

5.—(1) The Teachers' and Inspectors' Superannuation Fund is continued under the name "Teachers' Superannuation Fund". 1946, c. 96, s. 6 (1), *amended*.

**Custodian
of fund.**

(2) The Treasurer of Ontario shall be the custodian of the fund. 1946, c. 96, s. 6 (2).

**Actuarial
valuation.**

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 1st day of July, 1951, but the Minister may direct an additional valuation to be made at any time. 1946, c. 96, s. 6 (3), *amended*.

**Receiving
gifts, etc.
for fund.**

6. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof into the fund to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. 1946, c. 96, s. 7.

**Issue of
Ontario
Government
stock
confirmed.**

7.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of four and three-quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. 1946, c. 96, s. 8 (1).

**Debentures
authorized
annually—
1942-1952.**

(2) In each year during the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. 1946, c. 96, s. 8 (2), *amended*.

**Forty-year
debentures
authorized
—1952.**

(3) On the 1st day of November, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund

and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 2, such debentures or stock to become due and payable on the 31st day of October, 1992, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(4) In each year during the period commencing the 1st day of November, 1952, and ending on the 31st day of October, 1962, the Treasurer of Ontario shall issue Ontario Government Debentures authorized annually—1952-1962. debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1962, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(5) On the 1st day of November, 1962, the Treasurer of Ontario shall issue Ontario Government debentures or stock authorized for the amount of the surplus funds accumulated and not required for current expenditure, such debentures or stock to become due and payable on the 31st day of October, 2002, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. *New.*

(6) In each year during each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government Debentures authorized —ten-year periods. debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period.

(7) On the 1st day of November, 1972, and on the 1st day of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 6, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 6 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. 1946, c. 96, s. 8 (3, 4), *amended.*

Charge on Consolidated Revenue Fund. (8) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. 1946, c. 96, s. 8 (5).

Securities to be deposited. (9) All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. 1946, c. 96, s. 9.

Deficiency. 8. When the payments into the fund in any year are insufficient to make the required payments out of the fund, the deficiency shall be made up out of the Consolidated Revenue Fund. *New.*

Accounts. 9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund. 1946, c. 96, s. 10, *amended.*

Fiscal year. 10. The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year of the Commission. 1946, c. 96, s. 11, *amended.*

Interest. 11. Except where otherwise specifically provided by this Act,—

- (a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and
- (b) interest shall be payable on any payment into or out of the fund, other than an allowance, which is six months or more in arrears. 1946, c. 96, s. 12, *amended.*

Audit. 12.—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested shall be examined and checked in each year by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he may require.

Costs and expenses of audit. (2) The cost of such audits and reports shall be paid by the Commission out of the fund. 1946, c. 96, s. 13, *amended.*

Annual report. 13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission.

Tabling report. (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. *New.*

14. An account shall be kept in a chartered bank of ^{Payments into fund.} Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. 1946, c. 96, s. 14.

15.—(1) Every allowance, every refund, and the expenses ^{Payments out of fund.} of the administration of this Act shall be payable out of the fund and every such payment shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

(2) The payee of a cheque for any allowance shall indicate ^{Days of employment to be indicated.} on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. 1946, c. 96, s. 15, *amended*.

16. The Treasurer of Ontario, as custodian of the fund, ^{Bank loans.} may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1946, c. 96, s. 16.

17.—(1) Every person who is employed shall contribute ^{Contributions.} to the fund six per centum of his salary.

(2) Where the annual rate of salary is less than \$1,000 it ^{Salaries under \$1,000.} shall, for the purposes of this section, be deemed to be at the annual rate of \$1,000.

(3) In this section "salary" includes cost of living or other ^{"Salary" defined.} bonus but does not include any additional remuneration for special services performed at evening classes.

(4) Where a person receives part of his salary in respect ^{Salary from different sources.} of employment of a type prescribed in subclauses i to vii of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

(a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and

(b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. 1946, c. 96, ss. 17, 19, *amended*.

Contributions to be deducted.

18.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. 1946, c. 96, s. 20 (1), *amended*.

Contributions to be reported to Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were paid in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. 1946, c. 96, s. 20 (2).

Special cases.

19. In the case of a person who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such person shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. 1946, c. 96, s. 21, *amended*.

When teacher may make contributions directly.

20. A person who,—

- (a) ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for any period permitted by the regulations;
- (b) is employed for twenty or more hours per week by two or more boards as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c) is employed by a board that refuses or neglects to comply with section 18, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

may contribute to the fund on such terms and conditions and at such times as the regulations may prescribe. 1946, c. 96, s. 22 (1), *amended*.

21. Any contribution, except when made under clause *a* Error in section 20, that through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. 1946, c. 96, s. 23, amended.

22. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 18, place to the credit of the fund sums equal to two-thirds of those contributed under section 17. 1946, c. 96, s. 24, amended.

23. All sums placed to the credit of the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. 1946, c. 96, s. 25.

24.—(1) Every person who,—

Retirement
at 62 after
35 years
service.

- (a) has credit in the fund for thirty-five or more school years;
- (b) is sixty-two or more years of age; and
- (c) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the last fifteen years for which he made contributions to the fund by fifty and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding thirty-five, provided that,—

- (a) for the purpose of computing the amount of such allowance,
 - (i) each school year for which his contributions are in the fund at the time of his application for an allowance shall count as a school year of credit,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which

contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit,

(iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of credit, and

(iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit;

(b) if the amount of such allowance as computed is less than \$600, it shall be \$600; and

(c) if the amount of such allowance as computed is more than \$3,000, it shall be \$3,000. 1946, c. 96, s. 27, *amended*.

Retirement
after 40
years'
service.

25.—(1) Every person who,—

(a) has credit in the fund for forty or more school years; and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 28, *amended*.

Retirement
after 30
years'
service.

26.—(1) Every person who,—

(a) has credit in the fund for thirty or more school years; and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 29, *amended*.

27.—(1) Every person who,—

Retirement
after
25 years'
service.

- (a) has credit in the fund for twenty-five or more but less than thirty years;
- (b) has been employed for five years or more after attaining the age of fifty-five years; and
- (c) after attaining the age of sixty-two years has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed in subsection 2 of section 24 but shall be subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. *New.*

28.—(1) Every person who,—

Retirement
on account
of total
permanent
disability.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 30, *amended.*

29.—(1) Every person who,—

Retirement
on account of
permanent
disability
as teacher.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 31, *amended*.

Person with impairment.

30.—(1) Where the medical examination prescribed for admission to the Ontario College of Education or a normal school discloses in any person a mental or physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, such person shall be admitted to the college or school only after he signs a consent, in the prescribed form, to have this section apply to him in the event of his becoming employed.

Allowance.

(2) Every person who has signed a consent under subsection 1, who,—

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(3) The amount of such allowance shall be,—

R.S.C. c. 7.

(a) in the case of a person who has credit in the fund for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and

(b) in the case of a person who has credit in the fund for thirty or more school years,

(i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

- (ii) the amount computed in the manner prescribed by clause *a*,

whichever is the larger. 1946, c. 96, s. 32, *amended*.

31.—(1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or where a male person who is in receipt of an allowance dies,—
Dependants' allowances.

- (a) leaving a widow, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24, but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24 but based on the person's credit in the fund at the time of his death, or
- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 1 shall not apply to the widow of a person Exceptions. if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of any such widow.

Where dependant's allowance to be reduced.

(3) Where the widow was at least ten years younger than her deceased husband, the payments made under subsection 1 shall be reduced in such manner and in such amount as the regulations may prescribe.

Where person is a female.

(4) This section shall apply *mutatis mutandis* to the widower of a female person where,—

- (a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time of her death or at the time of her cessation of employment, whichever was the earlier;
- (b) she had been married to the widower for at least ten years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and
- (c) the child or children, if any, were fully supported by the person at the time of her death.

Widow's children.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person who was a widow at the time of her death.

Minimum dependant's allowance.

(6) The minimum payment under this section shall be at the rate of \$300 per annum. *New.*

Annuity in lieu of annual allowance.

32.—(1) A person to whom section 31 cannot apply may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate to any dependant named in any such direction.

Where direction not given.

(2) A person who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.

Revocation of direction.

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a person who has given a direction under this section dies,—

- (a) before he makes application for an allowance; or
- (b) before he ceases to be employed,

the direction shall have no effect. 1946, c. 96, s. 33, *amended*.

33. An allowance under this Act shall be made only after Applications for the receipt by the Commission of an application therefor in allowances. the prescribed form. 1946, c. 96, s. 34, *amended*.

34. No application for a disability allowance shall be Proof of considered by the Commission until the Commission has disability. obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of the medical referee of the Commission containing such recommendations as he may deem proper with regard to the granting of an allowance to the applicant. 1946, c. 96, s. 35, *amended*.

35. A person shall not be entitled to receive at any one Only one time more than one allowance under this Act. 1946, c. 96, allowance to be received. s. 36, *amended*.

36. Every allowance shall be payable in monthly instal- Allowances to be paid monthly. ments and shall be apportionable to the date of death. 1946, c. 96, s. 37, *amended*.

37.—(1) Every allowance shall commence as of the first Commencement of day of the month next following the month during which the allowances. applicant ceased to be employed, provided that a disability allowance shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. 1946, c. 96, s. 38, *amended*.

(2) Every dependant's allowance shall commence as of the Commencement of day following the death of the person in respect of whom it is dependants' allowances. payable. *New.*

38.—(1) Where a person who is receiving a superannuation Re-employment. or dependant's allowance becomes employed upon either a temporary or a permanent basis he shall forthwith give notice in writing thereof to the Commission and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs.

(2) Where a person who is receiving a disability allowance *Idem.* becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a

temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. 1946, c. 96, s. 39, *amended*.

Re-employment,
effect.

39.—(1) Where a person who is receiving a superannuation or defendant's allowance becomes employed,—

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the fund during the period that he is employed.

Idem.

(2) Where a person who is receiving a disability allowance becomes employed,—

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the fund during the period that he is employed; and
- (c) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Idem.

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

- (a) the allowance shall cease to be paid; and
- (b) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Resumption
of super-
annuation
allowance.

40. Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed,—

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;
- (b) in the case of a person who has been so employed for a period of two or more school years an application for an allowance shall be treated as an application for a new allowance; and

(c) in no case shall he be entitled to receive a disability allowance. 1946, c. 96, s. 41, *amended*.

41. Where a person receiving a disability allowance becomes employed or becomes engaged as a teacher within or outside of Ontario,—

- (a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and
- (b) any allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the fund in accordance with section 39. 1946, c. 96, s. 42, *amended*.

42.—(1) The Commission may at any time require any person who,—

- (a) is receiving a disability allowance under section 28 or 29; or
- (b) having been employed for less than thirty years, is receiving a disability allowance under section 30; or
- (c) being a widower, is receiving a dependant's allowance,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section pursuant to which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. 1946, c. 96, s. 43 (1, 2), *amended*.

43. Where the Commission is satisfied that any person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to him shall be made payable to a member of his family or household and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. 1946, c. 96, s. 44, *amended*.

44. The interest of any person in the fund and any allowance under this Act shall not be subject to garnishment,

attachment, seizure or other process of law and shall not be assignable. 1946, c. 96, s. 45, *amended*.

Refunds,—
application
for.

45.—(1) Any refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form.

Payment in
lump sum.

(2) Where the amount of a refund is less than \$800 it shall be paid in a lump sum.

Refund
over \$800.

(3) Where the amount of a refund is \$800 or more it shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. 1946, c. 96, s. 48, *amended*.

Retirement
after 5 years.

46.—(1) A person who has been employed for five or more school years and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund with interest at the rate of one and one-half per centum per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed.

Forced re-
tirement.

(2) A person who has been employed for fifteen or more school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly.

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a person shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for twenty days or more. 1946, c. 96, s. 49 (1-4), *amended*.

Second
refund.

47. A person who has withdrawn his contributions from the fund and subsequently is employed for an additional period of five years or more and ceases to be so employed after the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund during such additional period, but no such refund shall

be made until three months have elapsed after the date upon which the person ceased to be employed. 1946, c. 96, s. 49 (5), *amended*.

48. A person who has withdrawn his contributions from the fund and subsequently is employed may,— Repayment
on re-
employment.

- (a) within two years after the day upon which he completes twenty days of teaching in a school year, or the 1st day of July, 1951, whichever is the later date, notify the Commission in writing of his desire to be reinstated in respect of his former period of employment; and
- (b) after having so notified the Commission, repay into the fund within five years after the day upon which he completes twenty days of teaching in a school year, the amount previously refunded to him,

but failing either or both of which he shall have no interest in the fund in respect of any part of his former period of employment. *New.*

49. Where a person ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again is employed, he shall have no claim thereto. 1946, c. 96, s. 50 (1), *amended*. Where em-
ployed under
5 years.

50. Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 50 (2), *amended*. Event of
death.

51. Where a person who is in receipt of a superannuation allowance becomes employed no refund in respect of his contributions made after his return to employment shall be made except upon his death. 1946, c. 96, s. 51, *amended*. Return to
employment.

52. Notwithstanding sections 49, 50 and 51, a person who has been employed for fewer than twenty days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest. 1946, c. 96, s. 52, *amended*. Where
employed
less than
20 days.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies, his personal representative shall be entitled to a refund of an Death before
receiving
allowance.

amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (1), *amended*.

Death after becoming entitled to allowance.

54. Where a person who is in receipt of an allowance dies, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (2), *amended*.

Refund where disability allowance ceased to be paid.

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 43 (3), *amended*.

Refund where dependant's allowance less than contributions.

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at three per centum per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest at three per centum per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative. *New.*

Regulations. **57.** The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the powers and duties of the officers of the Commission, or any of them;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for any allowance or refund and the information and material to be

- furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;
- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
 - (f) requiring persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
 - (g) authorizing the Commission to require persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
 - (h) prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 26, 27 and 29;
 - (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 32;
 - (j) governing persons who are absent from duty because of ill-health or for the purpose of taking any course of study designated by the regulations or approved by the Commission, or for a period of sabbatical leave under the by-laws of the employing board, and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such person and the credit to which he shall be entitled in respect of any such period of absence from duty;
 - (k) prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
 - (i) in any province of Canada,
 - (ii) in any other part of the British Commonwealth of Nations, or
 - (iii) in any school for Indians maintained by the Government of Canada,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit;

- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part;
- (m) prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during any period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;
- (n) prescribing special provisions in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
 - (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
 - (iv) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
- (o) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;

- (p) designating schools or classes within the meaning of subclause iv of clause d of section 1;
- (q) prescribing forms for use under the Act and regulations;
- (r) respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of *The Teachers' and Inspectors' Superannuation Act, 1946*^{1946, c. 96.} and the substitution of this Act; and
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *1946, c. 96, s. 54, amended.*

58. Every person on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses or the Royal Ontario Museum who was a contributor to the Teachers' and Inspectors' Superannuation Fund on the 1st day of July, 1946, shall, notwithstanding any of the provisions of this Act and so long as he remains on any such instructional staff and so long as he does not contribute to any other superannuation fund to which the Crown contributes, be deemed to be employed within the meaning of this Act. *New.*

Certain contributors on
July 1st,
1946, may
continue to
contribute.

59.—(1) The members of the Commission in office when this Act comes into force shall continue in office as though this Act had not been passed.

(2) The fifth appointed member of the Commission provided for in this Act shall be appointed by the Minister under section 2 for a three-year term commencing the 1st day of June, 1950. *New.*

(3) The elected members of the Commission representing,—

Elected
members.

- (a) The Federation of Women Teachers' Associations of Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1949;
- (b) The Ontario Secondary School Teachers' Federation shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;
- (c) The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;

(d) The Ontario Public School Men Teachers' Federation and the male public school inspectors shall be elected under section 2 for a three-year term commencing the 1st day of June, 1951. *New.*

Present officers.

60. The officers of the Commission in office when this Act comes into force shall continue in office during pleasure. *New.*

Rate of contribution,—
when to apply.

61. The rate of contribution to the fund prescribed by section 17 of this Act shall apply to contributions made after the 1st day of September, 1949. *New.*

Present allowances continued and increased.
1946, c. 96.

62.—(1) Every allowance under *The Teachers' and Inspectors' Superannuation Act, 1946* being paid at the time this Act comes into force is continued, and from the 1st day of April, 1949, shall be paid without regard to any maximum specified in the said Act and shall be increased at the rate of \$120 per annum.

Minimum
\$600.

(2) Where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

Where employment ceases after March 1st, 1949.

63.—(1) Where a person ceases to be employed after the 1st day of March, 1949, his allowance shall be computed under this Act.

Where employment ceases before March 1st, 1949.

(2) Where a person ceased to be employed before the 1st day of March, 1949, his allowance shall be computed under the predecessor of this Act that was in force when he ceased to be employed without regard to any maximum then applicable and shall be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

1946, c. 96;
1948, c. 90,
repealed.

64. *The Teachers' and Inspectors' Superannuation Act, 1946* and *The Teachers' and Inspectors' Superannuation Amendment Act, 1948* are repealed.

Commencement of Act.

65. This Act shall come into force on the 1st day of April, 1949.

Short title.

66. This Act may be cited as *The Teachers' Superannuation Act, 1949.*

BILL

The Teachers' Superannuation Act, 1949.

1st Reading

March 14th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The addition of subsection 3a to section 23 of *The Municipal Act* makes it clear that a by-law authorizing an annexation or amalgamation application cannot be held invalid on the ground of conflict with an official plan under *The Planning Act, 1946*, but a copy of the by-law must be sent to the Minister of Planning and Development and to interested planning boards.

At present an order of the Municipal Board cannot be effective where an objection is filed unless the order is confirmed by private Act, and at present any person or body may file an objection. The new subsection 15 ensures that objections will be valid and can be filed only by persons having an actual interest.

No. 133

1949

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 23 of *The Municipal Act*, as re-enacted by section 2 of *The Municipal Amendment Act, 1939* and amended by section 3 of *The Municipal Amendment Act, 1946* and section 2 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following subsections:

(3a) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act, 1946* is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

(15) For the purposes of subsection 14 the objection mentioned therein shall mean an objection in writing which according to the certificate of the clerk of the municipality is signed by not less than ten per centum of the persons qualified to vote on money by-laws who are resident in,—

- (a) the municipality which has applied for the order; or
- (b) any municipality or the part or parts thereof which by the terms of the order is or are to be amalgamated with or annexed to the applicant municipality,

and an objection shall be deemed to have been withdrawn when there is filed with the Municipal Board a notice or notices in writing of such withdrawal signed by one-third or more of the objectors.

Pending litigation.

(2) Nothing in subsection 3a of section 23 of *The Municipal Act* as enacted by subsection 1 shall in any way affect or prejudice the rights of any person in any action or proceedings pending in the courts at the time subsection 1 comes into force.

Rev. Stat.,
c. 266, s. 53,
subs. 3, cl. h,
repealed.

2. Clause *h* of subsection 3 of section 53 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 68,
subs. 1
(1947,
c. 69, s. 10),
amended.

3. Subsection 1 of section 68 of *The Municipal Act*, as re-enacted by section 10 of *The Municipal Amendment Act, 1947*, is amended by striking out the word "recorded" in the fourth and fifth lines and inserting in lieu thereof the word "seconded", so that the subsection shall read as follows:

Nomination meetings—
procedure.

(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and seconded *seriatim*.

Rev. Stat.,
c. 266, s. 129,
amended.

4. Section 129 of *The Municipal Act* is amended by adding thereto the following subsection:

Counting votes where ballot paper relates to two or more offices.

(2) Where on a ballot paper which contains the names of candidates for more than one office, votes are given for more candidates for any office than are to be elected, the same shall be void as regards all the candidates for such office but shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

Rev. Stat.,
c. 266, s. 248,
subs. 2
(1947,
c. 69, s. 23,
re-enacted.

5. Subsection 2 of section 248 of *The Municipal Act*, as re-enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1947*, is repealed and the following substituted therefor:

Disqualification of persons as auditors.

(2) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract with the municipality or any of the

SECTION 2. This section provides that a person may be eligible to be elected a member of a municipal council notwithstanding that he is assessed as owner of land against which taxes are owing provided that he does not own the land at the time of the election and that the taxes became due after he sold the land. This provision is not necessary as the only disqualification in the Act in respect of unpaid taxes is where there are taxes owing against the land in respect of which he qualifies.

SECTION 3. This amendment corrects a typographical error.

SECTION 4. At present such a ballot paper must be rejected under the provisions of clause *b* of section 129.

SECTION 5. The repealed subsection disqualifies a person from being an auditor if he is or during the preceding year was a member of any municipal council or of a local board of any municipality or had a contract or employment with any municipal council or local board other than as auditor. This disqualification is too broad and the subsection as re-enacted gives adequate protection.

SECTION 6. This section authorizes certain municipal council members and the clerk of every municipality to administer oaths and take statutory declarations. It is no longer necessary as all these persons are now *ex officio* commissioners for taking affidavits under *The Commissioners for taking Affidavits Act* as amended in 1948.

SECTION 7. Complementary to subsection 1 of section 10 of this Bill.

SECTION 8. The reference to the system set up under *The Public Service Act, 1947* has led to confusion due to references in those regulations to civil servants, deputy ministers, etc. Provision is therefore made to permit a separate set of regulations dealing with sick leave credits of gaolers and gaol employees. The amendment is made retroactive to the day subsection 3 of section 388, as enacted in 1948, came into force.

SECTION 9. This subsection made special provisions respecting the provision by the City of Toronto of fuel, furniture, etc., for the Crown attorney of the City. This provision now appears as subsection 2 of section 14 of *The Crown Attorneys Act, 1949* (Bill No. 50).

SECTION 10—Subsection 1. The power to pass by-laws respecting the matters set out in the new paragraphs 15a, 51a and 64a are already given to some municipalities elsewhere in the Act. By this amendment the powers in question are consolidated and given to all local municipalities.

aforementioned local boards or any employment with any of them other than as an auditor.

6. Section 260 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 260,
repealed.

7. Clause *a* of subsection 3 of section 307 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *a*,
re-enacted.

(a) under section 309 or paragraph 51*a* of section 405.

8. Subsection 3 of section 388 of *The Municipal Act*, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1948*, is amended by striking out the words "the same" in the first line and inserting in lieu thereof the article "a" and by striking out the words "as is provided for in the regulations under *The Public Service Act, 1947*" in the third and fourth lines and inserting in lieu thereof the words "and the Lieutenant-Governor in Council may make regulations prescribing the system to be established", so that the subsection shall read as follows:

(3) The county or city shall establish a system of credits and payments for regular attendance of the gaoler and gaol employees, and the Lieutenant-Governor in Council may make regulations prescribing the system to be established.

Sick leave
credits.

9. Subsection 2 of section 390 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 390,
subs. 2,
repealed.

10.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 266, s. 405,
amended.

Commercial Buildings—Sidewalks.

15a. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk on such street.

Owner's
duty to
repair land
in front of
commercial
buildings.

Public Utility Undertakings—Borrowings for Extensions, etc.

51a. For borrowing upon debentures of the corporation such sum or sums of money as may be required to

Borrowings
for public
utility
extensions,
etc.

complete, improve, alter, enlarge or extend any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission.

"Public utility undertaking"
defined.

"Public utility commission"
defined.

Electors assent not required.

Approval of Municipal Board.

Idem.

**Application of para-graph.
Rev. Stat., c. 299.**

- (a) In this paragraph,
 - (i) "public utility undertaking" means a water works or water supply system, electrical power or energy generating, transmission or distribution system, natural or artificial gas works or supply system, sewer, sewerage or sewage system and a transportation system, and
 - (ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.
- (b) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.
- (c) Such approval may be given if the Municipal Board is satisfied that the proposed work is in the public interest and that the proposed borrowing is required and the Municipal Board shall have due regard to the financial position of the undertaking and to its net revenues and to the additional revenue, if any, which might be derived as a result of the proposed work.
- (d) This paragraph shall apply to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.
- (e) This paragraph shall not apply to a proposed work which the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*.

Subsection 2. Complementary to section 11 of this Bill.

SECTION 11. Municipalities for nearly a century have had authority to charge owners and occupants of property a sewer rental charge for the use of sewers, but in the past the authority did not meet with ready acceptance largely because of the inadequacy of the provisions. Modern practice recognizes that such a method for meeting the cost of maintenance and operation of sewers and sewage works and also for paying part of the capital cost is more equitable and just than any other method, and it is now commonly used in other countries.

An attempt was made in 1946 to provide for this method being used in Ontario but because the necessary authority was telescoped into one short paragraph of the Act the result is that the authority is unworkable. It is necessary to amplify the provisions and to keep the authority for imposing charges for capital cost separate from that for imposing a charge for maintenance and operation and it is desirable also to subject the imposition of charges for capital cost to the approval of the Municipal Board. Paragraph 53 of section 405 of the Act is therefore re-enacted as a new section 405a.

- (f) The council of a township may exercise the powers conferred by this paragraph in respect of the whole township or any defined area thereof.

• • • • •

Soliciting Business on Highways.

- 64a. For prohibiting persons from soliciting or importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

- (2) Paragraph 53 of the said section 405, as re-enacted by subsection 3 of section 49 of *The Municipal Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 266, s. 405,
para 53
(1946,
c. 60, s. 49,
subs. 3),
repealed.

- 11.** *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

- 405a.—(1) In this section,—

Interpre-
tation,—

- (a) “benefit” means an immediate benefit or “benefit”; deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of a sewer or sewer system or sewage works, and

- (i) “immediate benefit” means the benefit which accrues and is derived or derivable immediately upon completion of the work, and

- (ii) “deferred benefit” means the benefit which accrues upon completion of the work but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the work;

- (b) “capital cost” means the cost of constructing a work, inclusive of all items of cost usually and properly chargeable to capital account, and includes the amount of debentures, and

“capital
cost”;

interest thereon, issued to finance the cost of constructing a work, whether paid or unpaid;

"capital improvement";

(c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that the same is usually and properly accounted for as a capital asset;

"land drainage";

(d) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but not including sewage;

"sewage";

(e) "sewage" means domestic sewage or industrial wastes, or both;

"sewage works";

(f) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

"sewer";

(g) "sewer" means a public sewer for common use by owners and occupants in carrying away sewage or land drainage, or both, from land which abuts upon the sewer;

"sewer system";

(h) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes necessary pumping plant, force mains, siphons and other like works;

"treatment works";

(i) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;

"work".

(j) "work" means a sewer, sewer system or sewage works or a capital improvement of any of them.

Sewer rate.

(2) Subject to the approval of the Municipal Board being first obtained, the council of a local municipality in authorizing the construction of a sewer, sewer system or sewage works, or a capital improvement of any of them, may by by-law provide for

imposing upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for such portion or percentage of the capital cost of the work as the by-law may specify.

- (a) No sewer rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act.* Rev. Stat. c. 269.
- (3) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.
 - (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
 - (b) Where the sewer rate imposed is for deferred benefit it shall be changed to the sewer rate imposed for immediate benefit as soon as the latter benefit is derived or derivable.
- (4) Revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the work for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate. Revenue from sewer rates.
- (5) Where in a local municipality there is land which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a sewer forming part of such existing work is to be constructed by means of which an immediate benefit from the existing work accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited Sewer rate for cost of existing system.

a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify.

- (a) The sewer rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Revenue from the sewer rate if not required for payment of any part of the outstanding capital cost of the existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A sewer rate imposed under this subsection shall be separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing work.

- (6) The council of a local municipality for the purposes of subsections 2 and 5 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 5 shall be based and calculated and, in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just; and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

- (7) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use a sewer, sewer system or sewage works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may specify.

Sewer rate structure.

Sewage service rate.

- (a) Cost of maintenance and operation of a work for the purposes of this subsection shall not include any part of or payment on the capital cost of the work or any sum for capital improvement thereof or for any depreciation, obsolescence, deferred maintenance or other fund or reserve created with respect to the work.

- (8) A sewage service rate may be imposed under sub-^{Idem.} section 7 notwithstanding that,—
- (a) a sewer rate has also been imposed with respect to the capital cost of the same work; and
 - (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.
- (9) The council of a local municipality for the purposes of subsection 7 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 7 shall be based and calculated and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced. ^{Sewage service rate structure.}
- (10) The council of a local municipality may by by-law ^{Collection of rates.} establish systems for,—
- (a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 5 and sewage service rates imposed under subsection 7 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
 - (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
 - (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
 - (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
 - (e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a lien.

- (11) A sewer rate imposed under subsection 2 or 5 and a sewage service rate imposed under subsection 7 upon any owner or occupant of land shall be a lien and charge upon the land and, if the same or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant; or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectible.

Rev. Stat.,
c. 266, s. 406
(1941, c. 35,
s. 13,
subs. 1).
amended.

12. Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act*, 1941 and amended by section 11 of *The Municipal Amendment Act*, 1943 and section 50 of *The Municipal Amendment Act*, 1946, is further amended by adding thereto the following subsections:

Restrictions
on boundary
highways.

- (2a) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities as to lands abutting on the highway has passed a by-law for any purpose mentioned in subsection 1 and for three months after request by the council of such municipality the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board shall have power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and if and when such order is made and becomes effective the by-law shall be construed and may be enforced accordingly.

Notice of
application
when King's
Highway or
county high-
way affected.

- (5a) Where a by-law passed under this section applies to land abutting on the King's Highway or on a highway under the jurisdiction of a county council, the council which passed the by-law shall give to the Department of Highways or to the clerk of

SECTION 12. Self-explanatory.

SECTION 13. The repealed paragraph 2 of section 407 dealt with the matters now included in paragraph 51a of section 405 of *The Municipal Act* as enacted by subsection 1 of section 10 of this Bill.

The repealed paragraph 43 is now covered in paragraph 64a added to section 405 by subsection 1 of section 10 of this Bill.

SECTION 14. The repealed paragraph is now covered in paragraph 15a added to section 405 by subsection 1 of section 10 of this Bill.

SECTION 15. These amendments extend the power of the councils of counties, cities and towns to pass by-laws for the purposes mentioned to include continuation schools as well as collegiate institutes and high schools.

the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

13. Paragraphs 2 and 43 of section 407 of *The Municipal Act* are repealed. Rev. Stat.,
c. 266, s. 407.
paras. 2, 43,
repealed.

14. Paragraph 15 of section 408 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 408.
para. 15,
repealed.

15.—(1) Paragraph 2 of section 410 of *The Municipal Act* is amended by striking out the words "and high schools" in the fifth line and inserting in lieu thereof the words "high schools and continuation schools", so that the paragraph shall read as follows:

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality. Endowing
fellowships,
etc., in
universities
and colleges.

(2) Paragraph 5 of the said section 410 is amended by striking out the words "or high school" in the fourth and fifth lines and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows:

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. Supporting
certain high
school pupils
at universities,
colleges, etc.

(3) Paragraph 6 of the said section 410 is amended by striking out the words "or high school" in the second line and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows:

6. For making similar provision for the attendance at any collegiate institute, high school or continuation school, for the like purpose, of pupils of public schools of the municipality. Similar
provisions
for attend-
ance at
public high schools.

Rev. Stat., c. 266, s. 417, para. 2, amended. **16.** Paragraph 2 of section 417 of *The Municipal Act* is amended by striking out the words "and by *The Snow Roads and Fences Act*" at the end thereof, so that the paragraph shall read as follows:

- Fences.
2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 405.

Rev. Stat., c. 266, s. 425, amended. **17.—(1)** Section 425 of *The Municipal Act* is amended by adding thereto the following paragraph:

- Fire areas in townships.
2. For exercising the powers conferred by paragraph 30a of section 405 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

Rev. Stat., c. 266, s. 425, para. 18 (1947, c. 69, s. 39, subs. 3), repealed. **(2)** Paragraph 18 of the said section 425, as enacted by subsection 3 of section 39 of *The Municipal Amendment Act*, 1947, is repealed.

Rev. Stat., c. 266, s. 426, clis. a, c, d, repealed. **18.** Clauses *a*, *c* and *d* of section 426 of *The Municipal Act* are repealed.

Rev. Stat., c. 266, s. 430, para. 1, amended. **19.** Paragraph 1 of section 430 of *The Municipal Act*, as amended by section 43 of *The Municipal Amendment Act*, 1944, is further amended by inserting after the word "second-hand" in the second line the word "goods" and by striking out the article "the" in the third line and inserting in lieu thereof the words "any such", so that the paragraph, exclusive of the clauses, shall read as follows:

Licensing and regulating salvage shops, etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such license.

Rev. Stat., c. 266, s. 432, para. 1, amended. **20.** Paragraph 1 of section 432 of *The Municipal Act* is amended by striking out the words "rag, bone, or junk shops" in the first and second lines and inserting in lieu thereof the words "salvage shops, salvage yards or second-hand goods shops", so that the paragraph shall read as follows:

Tanneries.

Defining areas in which certain trades may not be carried on.

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops,

SECTION 16. County councils have this power under section 10 of *The Snow Roads and Fences Act* itself, and so the provision is a duplication and is repealed.

SECTION 17—Subsection 1. The powers referred to are the powers to acquire land and equipment for fire fighting and fire protection.

Subsection 2. This paragraph deals with the matters now included in paragraph 51a of section 405 of *The Municipal Act* as enacted by subsection 1 of section 10 of this Bill.

SECTION 18. These clauses confer certain powers to pass by-laws on certain townships in unorganized territory. As these powers are now exercisable by all townships under paragraph 1 of section 425 and paragraph 44a of section 405, the clauses are no longer necessary.

SECTION 19. Self-explanatory.

SECTION 20. Self-explanatory.

SECTION 21. The power to license, regulate and govern auctioneers was re-enacted in 1946 as paragraph 4 of section 436. This amendment adjusts the cross-reference.

SECTION 22. This section is re-enacted to conform with *The Planning Act, 1946*.

SECTION 23. The present subsection 3 requires the approval of the Lieutenant-Governor in Council to the alteration and closing of certain road allowances along or leading to the bank of a river or stream or on the shore of a lake, and to the lease or sale of the soil and freehold of any such stopped-up road allowance. As re-enacted the subsection replaces the requirement of approval of the Lieutenant-Governor in Council by the approval of the Department. Also the provisions are extended to include all roads near water, and the roads mentioned in clauses *b* and *c*.

or industries of a noxious or unhealthy character, may not be carried on.

- (a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890.

21. Paragraph 2 of section 433 of *The Municipal Act* is Rev. Stat., c. 266, s. 433, amended by striking out the words and figures "paragraph 1 para. 2, of section 428" in the third line and inserting in lieu thereof amended. the words and figures "paragraph 4 of section 436", so that the paragraph shall read as follows:

- 2. For providing the treasurer or clerk of the county, Supplying licenses. or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 4 of section 436 and paragraph 1 of this section to be issued under such regulations as may be prescribed to persons applying for them.

22. Section 482 of *The Municipal Act* is repealed and the Rev. Stat., c. 266, s. 482, following substituted therefor: re-enacted.

- 482. The approval of a plan of subdivision under *The Planning Act, 1946* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 480. Registration of plan not to create highway repair liability.

23.—(1) Clause *c* of subsection 1 of section 495 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 495, subs. 1, cl. *c*, re-enacted.

- (c) for stopping up any highway or part of a highway;
- (cc) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway.

(2) Subsection 3 of the said section 495 is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 495, subs. 3, re-enacted.

- (3) The powers conferred by clause *b* or clause *c* of subsection 1 shall not be exercised without the approval of the Department in respect of a highway or part of a highway, whether the same has been opened or is unopened,— Approval of Department to road closings.

- (a) along or adjacent or leading to a lake, river, stream or other body of water or along or

adjacent or leading to the bank or shore thereof by means of which highway or part of a highway public access to the lake, river, stream or other body of water or to the bank or shore thereof is or could be gained;

- (b) entering, touching upon or giving access to the King's Highway; or
- (c) entering, touching upon or giving access to a public road or bridge vested in the Crown in right of Ontario or in any public department, board, commission or officer of Ontario,

and the approval of the Department shall be recited in the by-law but the by-law shall not be quashed or open to question because of the omission to recite it if the approval has in fact been given.

Rev. Stat.,
c. 266, s. 502
subs. 3,
re-enacted.

24. Subsection 3 of section 502 of *The Municipal Act* is repealed and the following substituted therefor:

Proviso.
1946, o. 71.

(3) Nothing in this section shall affect the provisions of *The Planning Act, 1946*.

Commencement of Act.

25.—(1) This Act, except section 8, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 8 shall be deemed to have come into force on the 1st day of June, 1948.

Short title.

26. This Act may be cited as *The Municipal Amendment Act, 1949*.

SECTION 24. This amendment changes the reference from *The Planning and Development Act* to *The Planning Act, 1946*.

BILL

An Act to amend The Municipal Act.

1st Reading

March 14th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

TORONTO

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EXPLANATORY NOTES

SECTION 1. The addition of subsection 3a to section 23 of *The Municipal Act* makes it clear that a by-law authorizing an annexation or amalgamation application cannot be held invalid on the ground of conflict with an official plan under *The Planning Act, 1946*, but a copy of the by-law must be sent to the Minister of Planning and Development and to interested planning boards.

At present an order of the Municipal Board cannot be effective where an objection is filed unless the order is confirmed by private Act, and at present any person or body may file an objection. The new subsection 15 ensures that objections will be valid and can be filed only by persons having an actual interest.

No. 133

1949

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 23 of *The Municipal Act*, as re-enacted by section 2 of *The Municipal Amendment Act, 1939* and amended by section 3 of *The Municipal Amendment Act, 1946* and section 2 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following subsections:

(3a) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act, 1946* is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

(15) For the purposes of subsection 14 the objection mentioned therein shall mean an objection in writing which according to the certificate of the clerk of the municipality is signed by not less than ten per centum of the persons qualified to vote on money by-laws who are resident in,—

(a) the municipality which has applied for the order; or

(b) any municipality or the part or parts thereof which by the terms of the order is or are to be amalgamated with or annexed to the applicant municipality,

and an objection shall be deemed to have been withdrawn when there is filed with the Municipal Board a notice or notices in writing of such withdrawal signed by one-third or more of the objectors.

Pending litigation.

(2) Nothing in subsection 3a of section 23 of *The Municipal Act* as enacted by subsection 1 shall in any way affect or prejudice the rights of any person in any action or proceedings pending in the courts at the time subsection 1 comes into force.

Rev. Stat., c. 266, s. 53, subs. 3, cl. h. *Act* is repealed.

Rev. Stat., c. 266, s. 68, subs. 1 (1947, c. 69, s. 10), amended.

(3) Subsection 1 of section 68 of *The Municipal Act*, as re-enacted by section 10 of *The Municipal Amendment Act*, 1947, is amended by striking out the word "recorded" in the fourth and fifth lines and inserting in lieu thereof the word "seconded", so that the subsection shall read as follows:

Nomination meetings,—procedure.

(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and seconded *seriatim*.

Rev. Stat., c. 266, s. 129, amended.

(4) Section 129 of *The Municipal Act* is amended by adding thereto the following subsection:

Counting votes where ballot paper relates to two or more offices.

(2) Where on a ballot paper which contains the names of candidates for more than one office, votes are given for more candidates for any office than are to be elected, the same shall be void as regards all the candidates for such office but shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

Rev. Stat., c. 266, s. 248, subs. 2 (1947, c. 69, s. 23, subs. 2), re-enacted.

(5) Subsection 2 of section 248 of *The Municipal Act*, as re-enacted by subsection 2 of section 23 of *The Municipal Amendment Act*, 1947, is repealed and the following substituted therefor:

Disqualification of persons as auditors.

(2) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract with the municipality or any of the

SECTION 2. This section provides that a person may be eligible to be elected a member of a municipal council notwithstanding that he is assessed as owner of land against which taxes are owing provided that he does not own the land at the time of the election and that the taxes became due after he sold the land. This provision is not necessary as the only disqualification in the Act in respect of unpaid taxes is where there are taxes owing against the land in respect of which he qualifies.

SECTION 3. This amendment corrects a typographical error.

SECTION 4. At present such a ballot paper must be rejected under the provisions of clause *b* of section 129.

SECTION 5. The repealed subsection disqualifies a person from being an auditor if he is or during the preceding year was a member of any municipal council or of a local board of any municipality or had a contract or employment with any municipal council or local board other than as auditor. This disqualification is too broad and the subsection as re-enacted gives adequate protection.

SECTION 6. This section authorizes certain municipal council members and the clerk of every municipality to administer oaths and take statutory declarations. It is no longer necessary as all these persons are now *ex officio* commissioners for taking affidavits under *The Commissioners for taking Affidavits Act* as amended in 1948.

SECTION 7. Complementary to subsection 1 of section 10 of this Bill.

SECTION 8. The reference to the system set up under *The Public Service Act, 1947* has led to confusion due to references in those regulations to civil servants, deputy ministers, etc. Provision is therefore made to permit a separate set of regulations dealing with sick leave credits of gaolers and gaol employees. The amendment is made retroactive to the day subsection 3 of section 388, as enacted in 1948, came into force.

SECTION 9. This subsection made special provisions respecting the provision by the City of Toronto of fuel, furniture, etc., for the Crown attorney of the City. This provision now appears as subsection 2 of section 14 of *The Crown Attorneys Act, 1949* (Bill No. 50).

SECTION 10—Subsection 1. The power to pass by-laws respecting the matters set out in the new paragraphs 15a, 51a and 64a are already given to some municipalities elsewhere in the Act. By this amendment the powers in question are consolidated and given to all local municipalities.

aforementioned local boards or any employment with any of them other than as an auditor.

- 6.** Section 260 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 260,
repealed.
- 7.** Clause *a* of subsection 3 of section 307 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *a*,
re-enacted.
- (a) under section 309 or paragraph 51*a* of section 405.
- 8.** Subsection 3 of section 388 of *The Municipal Act*, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1948*, is amended by striking out the words "the same" in the first line and inserting in lieu thereof the article "a" and by striking out the words "as is provided for in the regulations under *The Public Service Act, 1947*" in the third and fourth lines and inserting in lieu thereof the words "and the Lieutenant-Governor in Council may make regulations prescribing the system to be established", so that the subsection shall read as follows:

- (3) The county or city shall establish a system of credits and payments for regular attendance of the gaoler and gaol employees, and the Lieutenant-Governor in Council may make regulations prescribing the system to be established. Sick leave credits.

- 9.** Subsection 2 of section 390 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 390,
subs. 2,
repealed.

- 10.**—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 266, s. 405,
amended.

Commercial Buildings—Sidewalks.

- 15a.** For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk on such street. Owner's duty to repair land in front of commercial buildings.

Public Utility Undertakings—Borrowings for Extensions, etc.

- 51a.** For borrowing upon debentures of the corporation such sum or sums of money as may be required to Borrowings for public utility extensions, etc.

complete, improve, alter, enlarge or extend any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission.

"Public utility undertaking" defined.

(a) In this paragraph,

(i) "public utility undertaking" means a water works or water supply system, electrical power or energy generating, transmission or distribution system, natural or artificial gas works or supply system, sewer, sewerage or sewage system and a transportation system, and

"Public utility commission" defined.

(ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.

Electors assent not required.

(b) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.

Approval of Municipal Board.

(c) Such approval may be given if the Municipal Board is satisfied that the proposed work is in the public interest and that the proposed borrowing is required and the Municipal Board shall have due regard to the financial position of the undertaking and to its net revenues and to the additional revenue, if any, which might be derived as a result of the proposed work.

Idem.

(d) This paragraph shall apply to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.

Application of para-graph.
Rev. Stat., c. 299.

(e) This paragraph shall not apply to a proposed work which the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*.

Subsection 2. Complementary to section 11 of this Bill.

SECTION 11. Municipalities for nearly a century have had authority to charge owners and occupants of property a sewer rental charge for the use of sewers, but in the past the authority did not meet with ready acceptance largely because of the inadequacy of the provisions. Modern practice recognizes that such a method for meeting the cost of maintenance and operation of sewers and sewage works and also for paying part of the capital cost is more equitable and just than any other method, and it is now commonly used in other countries.

An attempt was made in 1946 to provide for this method being used in Ontario but because the necessary authority was telescoped into one short paragraph of the Act the result is that the authority is unworkable. It is necessary to amplify the provisions and to keep the authority for imposing charges for capital cost separate from that for imposing a charge for maintenance and operation and it is desirable also to subject the imposition of charges for capital cost to the approval of the Municipal Board. Paragraph 53 of section 405 of the Act is therefore re-enacted as a new section 405a.

- (f) The council of a township may exercise the powers conferred by this paragraph in respect of the whole township or any defined area thereof.

Soliciting Business on Highways.

- 64a. For prohibiting persons from soliciting or importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

(2) Paragraph 53 of the said section 405, as re-enacted by subsection 3 of section 49 of *The Municipal Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 266, s. 405,
para. 53
(1946),
c. 60, s. 49,
subs. 3),
repealed.

11. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

405a.—(1) In this section,—

Interpre-
tation,—

(a) “benefit” means an immediate benefit or “benefit”; deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of a sewer or sewer system or sewage works, and

(i) “immediate benefit” means the benefit which accrues and is derived or derivable immediately upon completion of the work, and

(ii) “deferred benefit” means the benefit which accrues upon completion of the work but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the work;

(b) “capital cost” means the cost of constructing a work, inclusive of all items of cost usually and properly chargeable to capital account, and includes the amount of debentures, and

interest thereon, issued to finance the cost of constructing a work, whether paid or unpaid;

"capital improvement";

(c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that the same is usually and properly accounted for as a capital asset;

"land drainage";

(d) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but not including sewage;

"sewage";

(e) "sewage" means domestic sewage or industrial wastes, or both;

"sewage works";

(f) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

"sewer";

(g) "sewer" means a public sewer for common use by owners and occupants in carrying away sewage or land drainage, or both, from land which abuts upon the sewer;

"sewer system";

(h) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes necessary pumping plant, force mains, siphons and other like works;

"treatment works";

(i) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;

"work".

(j) "work" means a sewer, sewer system or sewage works or a capital improvement of any of them.

Sewer rate.

(2) Subject to the approval of the Municipal Board being first obtained, the council of a local municipality in authorizing the construction of a sewer, sewer system or sewage works, or a capital improvement of any of them, may by by-law provide for

imposing upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for such portion or percentage of the capital cost of the work as the by-law may specify.

- (a) No sewer rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.
Rev. Stat., c. 269.
- (3) A by-law passed under subsection 2 shall designate Land in respect of the land for which the owners or occupants are which sewer made liable for the sewer rate imposed and, where posed. the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.
 - (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
 - (b) Where the sewer rate imposed is for deferred benefit it shall be changed to the sewer rate imposed for immediate benefit as soon as the latter benefit is derived or derivable.
- (4) Revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and rates used towards payment of principal and interest due in that year upon debentures issued for the work for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate.
Revenue from sewer rates.
- (5) Where in a local municipality there is land which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a sewer forming part of such existing work is to be constructed by means of which an immediate benefit from the existing work accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefite Sewer rate for cost of existing system.

a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify.

- (a) The sewer rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
 - (b) Revenue from the sewer rate if not required for payment of any part of the outstanding capital cost of the existing work shall be applied and used only for future capital improvements of the existing work.
 - (c) A sewer rate imposed under this subsection shall be separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing work.
- (6) The council of a local municipality for the purposes of subsections 2 and 5 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 5 shall be based and calculated and, in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just; and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.
- (7) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use a sewer, sewer system or sewage works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may specify.

Sewer rate structure.

Sewage service rate.

- (a) Cost of maintenance and operation of a work for the purposes of this subsection shall not include any part of or payment on the capital cost of the work or any sum for capital improvement thereof or for any depreciation, obsolescence, deferred maintenance or other fund or reserve created with respect to the work.

(8) A sewage service rate may be imposed under sub-~~Idem.~~
section 7 notwithstanding that,—

- (a) a sewer rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

(9) The council of a local municipality for the purposes ~~sewage service rate~~ of subsection 7 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 7 shall be based and calculated and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

(10) The council of a local municipality may by by-law ~~Collection of rates.~~ establish systems for,—

- (a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 5 and sewage service rates imposed under subsection 7 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a lien.

- (11) A sewer rate imposed under subsection 2 or 5 and a sewage service rate imposed under subsection 7 upon any owner or occupant of land shall be a lien and charge upon the land and, if the same or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant; or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectible.

Rev. Stat.,
c. 266, s. 406
(1941, c. 35,
s. 13,
subs. 1),
amended.

- 12.** Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act*, 1941 and amended by section 11 of *The Municipal Amendment Act*, 1943 and section 50 of *The Municipal Amendment Act*, 1946, is further amended by adding thereto the following subsections:

Restrictions
on boundary
highways.

- (2a) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities as to lands abutting on the highway has passed a by-law for any purpose mentioned in subsection 1 and for three months after request by the council of such municipality the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board shall have power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and if and when such order is made, and becomes effective the by-law shall be construed and may be enforced accordingly.

Notice of
application
when King's
Highway or
county high-
way affected.

- (5a) Where a by-law passed under this section applies to land abutting on the King's Highway or on a highway under the jurisdiction of a county council, the council which passed the by-law shall give to the Department of Highways or to the clerk of

SECTION 12. Self-explanatory.

SECTION 13. The repealed paragraph 2 of section 407 dealt with the matters now included in paragraph 51a of section 405 of *The Municipal Act* as enacted by subsection 1 of section 10 of this Bill.

The repealed paragraph 43 is now covered in paragraph 64a added to section 405 by subsection 1 of section 10 of this Bill.

SECTION 14. The repealed paragraph is now covered in paragraph 15a added to section 405 by subsection 1 of section 10 of this Bill.

SECTION 15. These amendments extend the power of the councils of counties, cities and towns to pass by-laws for the purposes mentioned to include continuation schools as well as collegiate institutes and high schools.

the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

13. Paragraphs 2 and 43 of section 407 of *The Municipal Act* Rev. Stat., o. 266, s. 407, paras. 2, 43, repealed.

14. Paragraph 15 of section 408 of *The Municipal Act* Rev. Stat., c. 266, s. 408, para. 15, repealed.

15.—(1) Paragraph 2 of section 410 of *The Municipal Act* Rev. Stat., c. 266, s. 410, is amended by striking out the words "and high schools" in para. 2, amended. the fifth line and inserting in lieu thereof the words "high schools and continuation schools", so that the paragraph shall read as follows:

2. For endowing fellowships, scholarships or exhibitions, ^{Endowing fellowships, etc., in universities and colleges.} and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality.

(2) Paragraph 5 of the said section 410 is amended by Rev. Stat., c. 266, s. 410, striking out the words "or high school" in the fourth and para. 5, amended. fifth lines and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows:

5. For making permanent provision for defraying the ^{Supporting certain high school pupils at universities, colleges, etc.} expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college.

(3) Paragraph 6 of the said section 410 is amended by Rev. Stat., c. 266, s. 410, striking out the words "or high school" in the second line and para. 6, amended. inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows:

6. For making similar provision for the attendance at ^{Similar provisions for attendance at public high schools.} any collegiate institute, high school or continuation school, for the like purpose, of pupils of public schools of the municipality.

Rev. Stat.,
c. 266, s. 417,
para. 2,
amended.

16. Paragraph 2 of section 417 of *The Municipal Act* is amended by striking out the words "and by *The Snow Roads and Fences Act*" at the end thereof, so that the paragraph shall read as follows:

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 405.

Rev. Stat.,
c. 266, s. 425,
amended.

17.—(1) Section 425 of *The Municipal Act* is amended by adding thereto the following paragraph:

Fire areas
in townships.

2. For exercising the powers conferred by paragraph 30a of section 405 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

Rev. Stat.,
c. 266, s. 425,
para. 18
(1947,
c. 69, s. 39,
subs. 3),
repealed.

(2) Paragraph 18 of the said section 425, as enacted by subsection 3 of section 39 of *The Municipal Amendment Act, 1947*, is repealed.

Rev. Stat.,
c. 266, s. 426,
cls. a, c, d,
repealed.

18. Clauses *a*, *c* and *d* of section 426 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 430,
para. 1,
amended.

19. Paragraph 1 of section 430 of *The Municipal Act*, as amended by section 43 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "second-hand" in the second line the word "goods" and by striking out the article "the" in the third line and inserting in lieu thereof the words "any such", so that the paragraph, exclusive of the clauses, shall read as follows:

Licensing
and regu-
lating sal-
vage shops,
etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such license.

Rev. Stat.,
c. 266, s. 432,
para. 1,
amended.

20. Paragraph 1 of section 432 of *The Municipal Act* is amended by striking out the words "rag, bone, or junk shops" in the first and second lines and inserting in lieu thereof the words "salvage shops, salvage yards or second-hand goods shops", so that the paragraph shall read as follows:

Tanneries.

Defining
areas in
which cer-
tain trades
may not be
carried on.

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops,

SECTION 16. County councils have this power under section 10 of *The Snow Roads and Fences Act* itself, and so the provision is a duplication and is repealed.

SECTION 17—Subsection 1. The powers referred to are the powers to acquire land and equipment for fire fighting and fire protection.

Subsection 2: This paragraph deals with the matters now included in paragraph 51a of section 405 of *The Municipal Act* as enacted by subsection 1 of section 10 of this Bill.

SECTION 18. These clauses confer certain powers to pass by-laws on certain townships in unorganized territory. As these powers are now exercisable by all townships under paragraph 1 of section 425 and paragraph 44a of section 405, the clauses are no longer necessary.

SECTION 19. Self-explanatory.

SECTION 20. Self-explanatory.

SECTION 21. The power to license, regulate and govern auctioneers was re-enacted in 1946 as paragraph 4 of section 436. This amendment adjusts the cross-reference.

SECTION 22. This section is re-enacted to conform with *The Planning Act, 1946*.

SECTION 23. The present clause c combined with subsection 3 of section 495 requires the approval of the Lieutenant-Governor in Council to the lease or sale of the soil and freehold of a stopped-up highway. The amendment removes this requirement.

SECTION 24. This amendment changes the reference from *The Planning and Development Act* to *The Planning Act, 1946*.

or industries of a noxious or unhealthy character, may not be carried on.

- (a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890.

21. Paragraph 2 of section 433 of *The Municipal Act* is <sup>Rev. Stat.,
c. 266, s. 433,
para. 2,
amended.</sup> amended by striking out the words and figures "paragraph 1 of section 428" in the third line and inserting in lieu thereof the words and figures "paragraph 4 of section 436", so that the paragraph shall read as follows:

2. For providing the treasurer or clerk of the county, <sup>Supplying
licenses.</sup> or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 4 of section 436 and paragraph 1 of this section to be issued under such regulations as may be prescribed to persons applying for them.

22. Section 482 of *The Municipal Act* is repealed and the <sup>Rev. Stat.,
c. 266, s. 482,
re-enacted.</sup> following substituted therefor:

482. The approval of a plan of subdivision under *The Planning Act, 1946* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 480. <sup>Registration
of plan not
to create
highway
repair
liability.</sup>

23. Clause *c* of subsection 1 of section 495 of *The Municipal Act* is <sup>Rev. Stat.,
c. 266, s. 495,
subs. 1, cl. *c*,
re-enacted.</sup> repealed and the following substituted therefor:

- (c) for stopping up any highway or part of a highway;
(cc) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway.

24. Subsection 3 of section 502 of *The Municipal Act* is <sup>Rev. Stat.,
c. 266, s. 502,
subs. 3,
re-enacted.</sup> repealed and the following substituted therefor:

- (3) Nothing in this section shall affect the provisions of <sup>Proviso.
1946, c. 71.</sup> *The Planning Act, 1946.*

25.—(1) This Act, except section 8, shall come into force <sup>Commencement
of Act.</sup> on the day it receives the Royal Assent.

(2) Section 8 shall be deemed to have come into force on ^{Idem.} the 1st day of June, 1948.

26. This Act may be cited as *The Municipal Amendment Act, 1949.* ^{Short title.}

BILL

An Act to amend The Municipal Act.

1st Reading

March 14th, 1949

2nd Reading

March 18th, 1949

3rd Reading

MR. DUNBAR

(Reprinted as amended by the Committee on
Municipal Law.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 133

1949

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 23 of *The Municipal Act*, as re-enacted Rev. Stat., c. 266, s. 23 by section 2 of *The Municipal Amendment Act, 1939* and (1939, c. 30, s. 2) amended by section 3 of *The Municipal Amendment Act, 1946* amended. and section 2 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following subsections:

- (3a) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved Effect of official plan. under *The Planning Act, 1946* is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

- • • • •
- (15) For the purposes of subsection 14 the objection mentioned therein shall mean an objection in writing which according to the certificate of the clerk of the municipality is signed by not less than ten per centum of the persons qualified to vote on money by-laws who are resident in,—
 - (a) the municipality which has applied for the order; or
 - (b) any municipality or the part or parts thereof which by the terms of the order is or are to be amalgamated with or annexed to the applicant municipality,

and an objection shall be deemed to have been withdrawn when there is filed with the Municipal Board a notice or notices in writing of such withdrawal signed by one-third or more of the objectors.

Pending litigation.

- (2) Nothing in subsection 3a of section 23 of *The Municipal Act* as enacted by subsection 1 shall in any way affect or prejudice the rights of any person in any action or proceedings pending in the courts at the time subsection 1 comes into force.

Rev. Stat., c. 266, s. 53, subs. 3, cl. h. *Act* repealed.

2. Clause h of subsection 3 of section 53 of *The Municipal Act* is repealed.
3. Subsection 1 of section 68 of *The Municipal Act*, as re-enacted by section 10 of *The Municipal Amendment Act*, 1947, c. 69, s. 10, amended, is amended by striking out the word "recorded" in the fourth and fifth lines and inserting in lieu thereof the word "seconded", so that the subsection shall read as follows:

Nomination meetings, procedure.

- (1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and seconded *seriatim*.

Rev. Stat., c. 266, s. 129, amended.

4. Section 129 of *The Municipal Act* is amended by adding thereto the following subsection:

Counting votes where ballot paper relates to two or more offices.

- (2) Where on a ballot paper which contains the names of candidates for more than one office, votes are given for more candidates for any office than are to be elected, the same shall be void as regards all the candidates for such office but shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

Rev. Stat., c. 266, s. 248, subs. 2 (1947, c. 69, s. 23, subs. 2), re-enacted.

5. Subsection 2 of section 248 of *The Municipal Act*, as re-enacted by subsection 2 of section 23 of *The Municipal Amendment Act*, 1947, is repealed and the following substituted therefor:

Disqualification of persons as auditors.

- (2) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract with the municipality or any of the

aforementioned local boards or any employment with any of them other than as an auditor.

- 6.** Section 260 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 260,
repealed.
- 7.** Clause *a* of subsection 3 of section 307 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *a*,
re-enacted.

(a) under section 309 or paragraph 51*a* of section 405; or

.

- 8.** Subsection 3 of section 388 of *The Municipal Act*, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1948*, is amended by striking out the words "the same" in the first line and inserting in lieu thereof the article "a" and by striking out the words "as is provided for in the regulations under *The Public Service Act, 1947*" in the third and fourth lines and inserting in lieu thereof the words "and the Lieutenant-Governor in Council may make regulations prescribing the system to be established", so that the subsection shall read as follows:

(3) The county or city shall establish a system of credits and payments for regular attendance of the gaoler and gaol employees, and the Lieutenant-Governor in Council may make regulations prescribing the system to be established. Sick leave credits.

- 9.** Subsection 2 of section 390 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 390,
subs. 2,
repealed.

- 10.—(1)** Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat.,
c. 266, s. 405,
amended.

Commercial Buildings—Sidewalks.

- 15a.** For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk on such street. Owner's duty to repair land in front of commercial buildings.
-

Public Utility Undertakings—Borrowings for Extensions, etc.

- 51a.** For borrowing upon debentures of the corporation such sum or sums of money as may be required to Borrowings for public utility extensions, etc.

complete, improve, alter, enlarge or extend any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission.

"Public utility undertaking"
defined.

(a) In this paragraph,

(i) "public utility undertaking" means a water works or water supply system, electrical power or energy generating, transmission or distribution system, natural or artificial gas works or supply system, sewer, sewerage or sewage system and a transportation system, and

"Public utility commission"
defined.

(ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.

Electors assent not required.

(b) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.

**Approval of
Municipal Board.**

(c) Such approval may be given if the Municipal Board is satisfied that the proposed work is in the public interest and that the proposed borrowing is required and the Municipal Board shall have due regard to the financial position of the undertaking and to its net revenues and to the additional revenue, if any, which might be derived as a result of the proposed work.

Idem.

(d) This paragraph shall apply to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.

**Application
of para-
graph.
Rev. Stat.,
c. 299.**

(e) This paragraph shall not apply to a proposed work which the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*.

- (f) The council of a township may exercise the powers conferred by this paragraph in respect of the whole township or any defined area thereof.

.
Soliciting Business on Highways..

- 64a. For prohibiting persons from soliciting or importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

- (2) Paragraph 53 of the said section 405, as re-enacted by subsection 3 of section 49 of *The Municipal Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 266, s. 405,
para 53
(1946,
c. 60, s. 49,
subs. 3),
repealed.

- 11.** *The Municipal Act* is amended by adding thereto the following section:

405a.—(1) In this section,—

Interpre-
tation,—

- (a) “benefit” means an immediate benefit or “benefit”; deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of a sewer or sewer system or sewage works, and

- (i) “immediate benefit” means the benefit which accrues and is derived or derivable immediately upon completion of the work, and

- (ii) “deferred benefit” means the benefit which accrues upon completion of the work but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the work;

- (b) “capital cost” means the cost of constructing a work, inclusive of all items of cost usually and properly chargeable to capital account, and includes the amount of debentures, and

interest thereon, issued to finance the cost of constructing a work, whether paid or unpaid;

"capital improvement";

(c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that the same is usually and properly accounted for as a capital asset;

"land drainage";

(d) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but not including sewage;

"sewage";

(e) "sewage" means domestic sewage or industrial wastes, or both;

"sewage works";

(f) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

"sewer";

(g) "sewer" means a public sewer for common use by owners and occupants in carrying away sewage or land drainage, or both, from land which abuts upon the sewer;

"sewer system";

(h) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes necessary pumping plant, force mains, siphons and other like works;

"treatment works";

(i) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;

"work".

(j) "work" means a sewer, sewer system or sewage works or a capital improvement of any of them.

Sewer rate.

(2) Subject to the approval of the Municipal Board being first obtained, the council of a local municipality in authorizing the construction of a sewer, sewer system or sewage works, or a capital improvement of any of them, may by by-law provide for

imposing upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for such portion or percentage of the capital cost of the work as the by-law may specify.

- (a) No sewer rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act.* Rev. Stat. c. 269.
- (3) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.
 - (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
 - (b) Where the sewer rate imposed is for deferred benefit it shall be changed to the sewer rate imposed for immediate benefit as soon as the latter benefit is derived or derivable.
- (4) Revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the work for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate.
- (5) Where in a local municipality there is land which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a sewer forming part of such existing work is to be constructed by means of which an immediate benefit from the existing work accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefite Sewer rate for cost of existing system.

a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify.

- (a) The sewer rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
 - (b) Revenue from the sewer rate if not required for payment of any part of the outstanding capital cost of the existing work shall be applied and used only for future capital improvements of the existing work.
 - (c) A sewer rate imposed under this subsection shall be separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing work.
- Sewer rate structure.**
- (6) The council of a local municipality for the purposes of subsections 2 and 5 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 5 shall be based and calculated and, in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just; and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.
- Sewage service rate.**
- (7) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use a sewer, sewer system or sewage works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may specify.
 - (a) Cost of maintenance and operation of a work for the purposes of this subsection shall not include any part of or payment on the capital cost of the work or any sum for capital improvement thereof or for any depreciation, obsolescence, deferred maintenance or other fund or reserve created with respect to the work.

- (8) A sewage service rate may be imposed under sub-^{Idem.} section 7 notwithstanding that,—
- (a) a sewer rate has also been imposed with respect to the capital cost of the same work; and
 - (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.
- (9) The council of a local municipality for the purposes of subsection 7 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 7 shall be based and calculated and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced. ^{Sewage service rate structure.}
- (10) The council of a local municipality may by by-law establish systems for, ^{Collection of rates.}—
- (a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 5 and sewage service rates imposed under subsection 7 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
 - (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
 - (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
 - (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
 - (e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a lien.

- (11) A sewer rate imposed under subsection 2 or 5 and a sewage service rate imposed under subsection 7 upon any owner or occupant of land shall be a lien and charge upon the land and, if the same or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant; or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectible.

Rev. Stat.,
c. 266, s. 406
(1941, c. 35,
s. 13,
subs. 1),
amended.

12. Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941* and amended by section 11 of *The Municipal Amendment Act, 1943* and section 50 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following subsections:

Restrictions
on boundary
highways.

- (2a) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities as to lands abutting on the highway has passed a by-law for any purpose mentioned in subsection 1 and for three months after request by the council of such municipality the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board shall have power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and if and when such order is made and becomes effective the by-law shall be construed and may be enforced accordingly.

Notice of
application
when King's
Highway or
county high-
way affected.

- (5a) Where a by-law passed under this section applies to lands abutting on the King's Highway or on a highway under the jurisdiction of a county council, the council which passed the by-law shall give to the Department of Highways or to the clerk of

the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

13. Paragraphs 2 and 43 of section 407 of *The Municipal Act* Rev. Stat., c. 266, s. 407, paras. 2, 43, repealed.

14. Paragraph 15 of section 408 of *The Municipal Act* Rev. Stat., c. 266, s. 408, para. 15, repealed.

15.—(1) Paragraph 2 of section 410 of *The Municipal Act* Rev. Stat., c. 266, s. 410, is amended by striking out the words "and high schools" in para. 2, the fifth line and inserting in lieu thereof the words "high schools and continuation schools", so that the paragraph shall be amended. read as follows:

2. For endowing fellowships, scholarships or exhibitions, Endowing fellowships, and other similar prizes, in the University of Toronto, etc., in universities or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality.

(2) Paragraph 5 of the said section 410 is amended by Rev. Stat., c. 266, s. 410, striking out the words "or high school" in the fourth and para. 5, fifth lines and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as amended. follows:

5. For making permanent provision for defraying the Supporting certain high expenses of the attendance at the University of school pupils at universities, Toronto or at Upper Canada College, or at any other colleges, etc. university or college in Ontario, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college.

(3) Paragraph 6 of the said section 410 is amended by Rev. Stat., c. 266, s. 410, striking out the words "or high school" in the second line and para. 6, inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as amended. follows:

6. For making similar provision for the attendance at Similar provisions any collegiate institute, high school or continuation school, for the like purpose, of pupils of public high schools. schools of the municipality.

Rev. Stat.,
c. 266, s. 417,
para. 2,
amended.

16. Paragraph 2 of section 417 of *The Municipal Act* is amended by striking out the words "and by *The Snow Roads and Fences Act*" at the end thereof, so that the paragraph shall read as follows:

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 405.

Rev. Stat.,
c. 266, s. 425,
amended.

17.—(1) Section 425 of *The Municipal Act* is amended by adding thereto the following paragraph:

Fire areas
in townships.

2. For exercising the powers conferred by paragraph 30a of section 405 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

Rev. Stat.,
c. 266, s. 425,
para. 18
(1947,
c. 69, s. 39,
subs. 3),
repealed.

(2) Paragraph 18 of the said section 425, as enacted by subsection 3 of section 39 of *The Municipal Amendment Act*, 1947, is repealed.

Rev. Stat.,
c. 266, s. 426,
cls. a, c, d,
repealed.

18. Clauses *a*, *c* and *d* of section 426 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 430,
para. 1,
amended.

19. Paragraph 1 of section 430 of *The Municipal Act*, as amended by section 43 of *The Municipal Amendment Act*, 1944, is further amended by inserting after the word "second-hand" where it occurs the first time in the second line the word "goods" and by striking out the article "the" in the third line and inserting in lieu thereof the words "any such", so that the paragraph, exclusive of the clauses, shall read as follows:

Licensing
and regu-
lating sal-
vage shops,
etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such license.

Rev. Stat.,
c. 266, s. 432,
para. 1,
amended.

20. Paragraph 1 of section 432 of *The Municipal Act* is amended by striking out the words "rag, bone, or junk shops" in the first and second lines and inserting in lieu thereof the words "salvage shops, salvage yards or second-hand goods shops", so that the paragraph shall read as follows:

Tanneries.

Defining
areas in
which cer-
tain trades
may not be
carried on.

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops,

or industries of a noxious or unhealthy character, may not be carried on.

- (a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890.

21. Paragraph 2 of section 433 of *The Municipal Act* is Rev. Stat., c. 266, s. 433, amended by striking out the words and figures "paragraph 1 para. 2, of section 428" in the third line and inserting in lieu thereof ^{amended.} the words and figures "paragraph 4 of section 436", so that the paragraph shall read as follows:

2. For providing the treasurer or clerk of the county, Supplying licenses. or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 4 of section 436 and paragraph 1 of this section to be issued under such regulations as may be prescribed to persons applying for them.

22. Section 482 of *The Municipal Act* is repealed and the Rev. Stat., c. 266, s. 482, following substituted therefor: re-enacted.

482. The approval of a plan of subdivision under *The Registration of plan not Planning Act, 1946* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 480.

23. Clause c of subsection 1 of section 495 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 495, subs. 1, cl. c, re-enacted.

- (c) for stopping up any highway or part of a highway;
- (cc) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway.

24. Subsection 3 of section 502 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 502 subs. 3, re-enacted.

- (3) Nothing in this section shall affect the provisions of Proviso. ^{1946, c. 71.} *The Planning Act, 1946.*

25.—(1) This Act, except section 8, shall come into force Commencement of Act. on the day it receives the Royal Assent.

(2) Section 8 shall be deemed to have come into force on Idem. the 1st day of June, 1948.

26. This Act may be cited as *The Municipal Amendment Short title. Act, 1949.*

BILL

An Act to amend The Municipal Act.

1st Reading

March 14th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Forest Management Act, 1947.

MR. SCOTT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Clause *d* is new. It is self-explanatory.

SECTION 2. The words deleted are superfluous.

No. 134

1949

BILL

An Act to amend The Forest Management Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Forest Management Act, 1947*, c. 38, s. 2, subs. 1, amended by striking out the word "and" at the end of clause *b*, by adding the word "and" at the end of clause *c* and by adding thereto the following clause:

- (d) a statement of the purposes for which the timber is to be utilized,

so that the subsection shall read as follows:

(1) Every person who has cutting rights in a Crown timber area shall, when required by the Minister, furnish to him,—

- (a) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;
- (b) a proposed master plan for managing the Crown timber area and utilizing the timber thereon;
- (c) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units; and
- (d) a statement of the purposes for which the timber is to be utilized.

2. Subsection 1 of section 3 of *The Forest Management Act, 1947*, c. 38, s. 3, subs. 1, amended by striking out the words "during the life of such master plan" in the second line, so that the subsection, exclusive of the clauses, shall read as follows:

Information to be furnished annually.

- (1) Every person who is required to furnish a master plan shall annually furnish to the Minister,—
- • • • •

1947,
c. 38, s. 5,
re-enacted.

- 3.** Section 5 of *The Forest Management Act, 1947* is repealed and the following substituted therefor:

Suspension or cancellation of agreement or licence.

5. Where any person fails to comply with an approved master plan, or fails to comply with section 3, the Minister may suspend or cancel, in whole or in part, the agreement or licence, or both, under which such person derives his cutting rights.

Preservation of forests, etc.

Rev. Stat., c. 36.

- 5a.**—(1) Notwithstanding anything contained in *The Crown Timber Act*, for the purpose of forest management, watershed protection or fire protection, or the preservation of beauty of landscape, game preserves or game shelters, the Minister may,—

(a) cancel or vary any cutting rights in any area designated by him;

(b) direct the marking of trees to be left standing or to be cut in any area designated by him, and the cost of such marking and cutting shall be borne by the person holding the cutting rights.

- (2) Every order made under this section shall be deemed to be of an administrative and not of a legislative nature.

Short title.

- 4.** This Act may be cited as *The Forest Management Amendment Act, 1949*.

SECTION 3. Section 5 as re-enacted extends the power of suspension or cancellation to cases where the person fails to furnish the information required by section 3. The section as re-enacted also provides for suspension or cancellation, in part, of the agreement or licence from which cutting rights are derived.

Section, 5a, which is new, establishes the grounds on which the Minister may cancel or vary cutting rights and also provides for a selective system of cutting.

An Act to amend The Forest
Management Act, 1947.

1st Reading

March 14th, 1949

2nd Reading

3rd Reading

MR. SCOTT

No. 134

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Forest Management Act, 1947.

MR. SCOTT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 134

1949

BILL

An Act to amend The Forest Management Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Forest Management Act, 1947*, c. 38, s. 2, subs. 1, amended by striking out the word "and" at the end of clause *b*, by adding the word "and" at the end of clause *c* and by adding thereto the following clause:

- (d) a statement of the purposes for which the timber is to be utilized,

so that the subsection shall read as follows:

(1) Every person who has cutting rights in a Crown timber area shall, when required by the Minister, furnish to him,—

- (a) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;
- (b) a proposed master plan for managing the Crown timber area and utilizing the timber thereon;
- (c) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units; and
- (d) a statement of the purposes for which the timber is to be utilized.

2. Subsection 1 of section 3 of *The Forest Management Act, 1947*, c. 38, s. 3, subs. 1, amended by striking out the words "during the life of such master plan" in the second line, so that the subsection, exclusive of the clauses, shall read as follows:

Information to be furnished annually.

- (1) Every person who is required to furnish a master plan shall annually furnish to the Minister,—

1947,
c. 38, s. 5,
re-enacted.

- 3.** Section 5 of *The Forest Management Act, 1947* is repealed and the following substituted therefor:

Suspension or cancellation of agreement or licence.

5. Where any person fails to comply with an approved master plan, or fails to comply with section 3, the Minister may suspend or cancel, in whole or in part, the agreement or licence, or both, under which such person derives his cutting rights.

Preservation of forests, etc.
Rev. Stat., c. 36.

- 5a.—(1) Notwithstanding anything contained in *The Crown Timber Act*, for the purpose of forest management, watershed protection or fire protection, or the preservation of beauty of landscape, game preserves or game shelters, the Minister may,—

- (a) cancel or vary any cutting rights in any area designated by him;
- (b) direct the marking of trees to be left standing or to be cut in any area designated by him, and the cost of such marking and cutting shall be borne by the person holding the cutting rights.

- (2) Every order made under this section shall be deemed to be of an administrative and not of a legislative nature.

Short title.

- 4.** This Act may be cited as *The Forest Management Amendment Act, 1949*.

BILL

An Act to amend The Forest
Management Act, 1947.

1st Reading

March 14th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. SCOTT

No. 135

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL,

An Act to amend The Executive Council Act.

MR. OLIVER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 135

1949

BILL

An Act to amend The Executive Council Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Executive Council Act* Rev. Stat., is amended by striking out the symbol and figures "\$10,000" o. 14, s. 3,
subs. 1,
amended. in the second line and inserting in lieu thereof the symbol and figures "\$8,000", so that the subsection shall read as follows:

- (1) The annual salary of every Minister having charge Salaries. of a Department shall be \$8,000.

An Act to amend The Executive Council
Act.

BILL

1st Reading

March 14th, 1949

2nd Reading

3rd Reading

MR. OLIVER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Forest Fires Prevention Act, 1948.

MR. SCOTT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The clause is re-enacted in order to require a working permit to be obtained from an officer before land is cleared for water storage purposes.

SECTION 2. The provision is broadened to include land being cleared for use as a water storage basin.

SECTION 3. The power to use privately-owned equipment is new.

No. 136

1949

BILL

An Act to amend The Forest Fires Prevention Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 12, subs. 1, is repealed and the following substituted therefor:

(*a*) carrying on any logging, mining or industrial operation or before clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or before clearing land to be flooded for water storage purposes, or before constructing any dam, bridge or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district.

2. Subsection 1 of section 16 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 16, subs. 1, is repealed and the following substituted therefor:

(1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, timber, brush or other inflammable material cut or accumulated thereon.

3.—(1) Subsection 1 of section 19 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 19, subs. 1, is amended by inserting after the word "officer" in the second line the words "may use any privately-owned equipment and", so that the subsection shall read as follows:

**Right to
summon
assistance.**

- (1) For the purpose of controlling and extinguishing any fire, an officer may use any privately-owned equipment and may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and dispatchers on duty, doctors and persons physically unfit.

**1948, c. 32,
s. 19, subs. 2,
amended.** (2) Subsection 2 of the said section 19 is amended by inserting after the word "neglects" in the first line the words "to provide any privately-owned equipment or", so that the subsection shall read as follows:

**Penalty
for refusing
to assist or
to provide
equipment.**

- (2) Every person who refuses or neglects to provide any privately-owned equipment or to render assistance when required under this section shall be guilty of an offence against this Act.

**1948, c. 32,
s. 20, subs. 1,
amended.** 4. Subsection 1 of section 20 of *The Forest Fires Prevention Act, 1948* is amended by striking out the words "shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts". in the seventh, eighth and ninth lines and inserting in lieu thereof the words "shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be", so that the subsection shall read as follows:

**Reporting
and ex-
tinguishing
fires.**

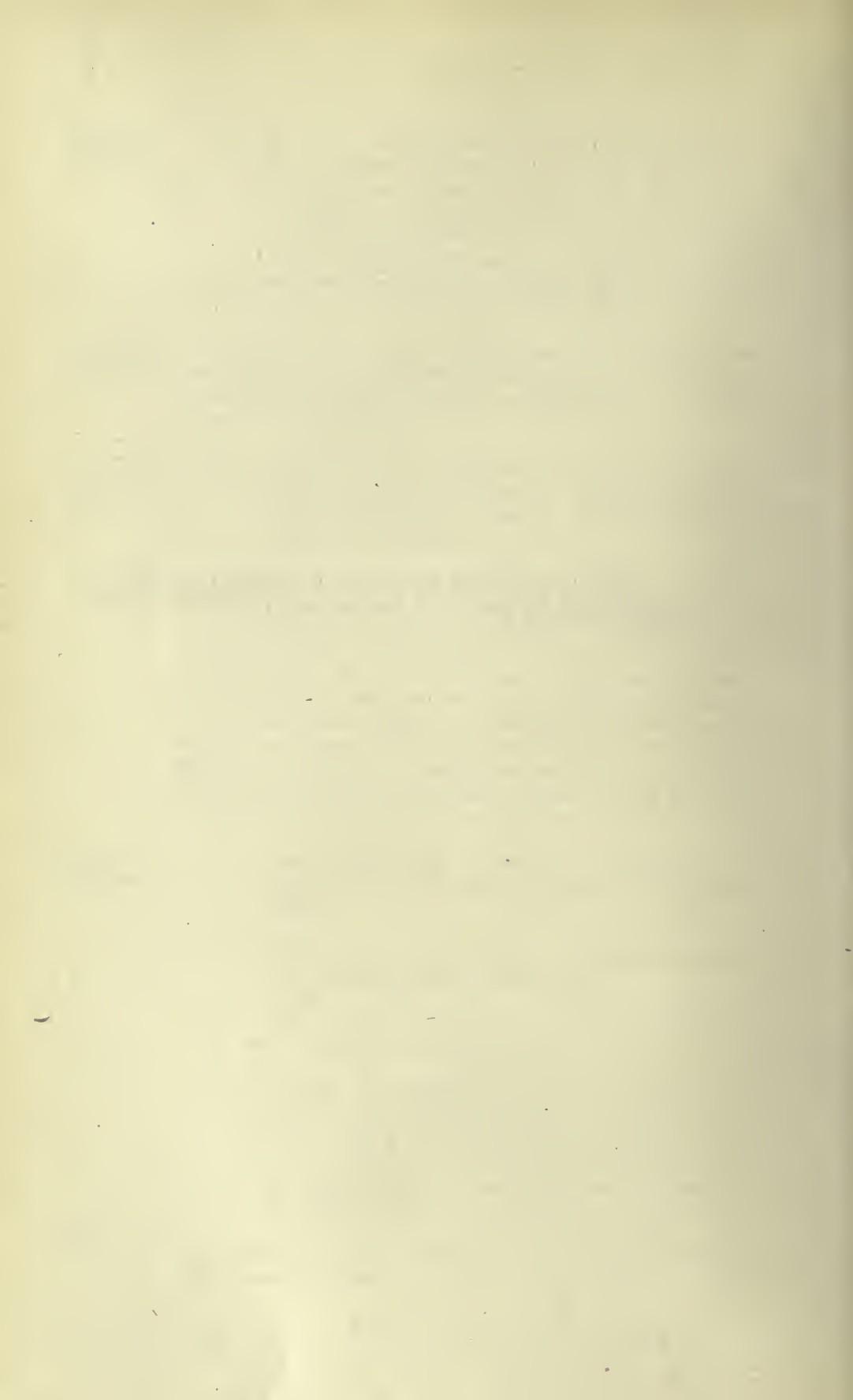
- (1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—
- (a) a fire set out for cooking or obtaining warmth and kept under control; or
 - (b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be.

Short title.

5. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1949*.

SECTION 4. The duty of the owner of land on which there is an uncontrolled fire is extended. He must now report the fire as well as attempt to extinguish it.



BILL

An Act to amend The Forest Fires
Prevention Act, 1948.

1st Reading

March 15th, 1949

2nd Reading

3rd Reading

MR. SCOTT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Forest Fires Prevention Act, 1948.

MR. SCOTT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 136

1949

BILL

An Act to amend The Forest Fires Prevention Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 12, subs. 1, cl. *a*, re-enacted.

(*a*) carrying on any logging, mining or industrial operation or before clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or before clearing land to be flooded for water storage purposes, or before constructing any dam, bridge or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district.

2. Subsection 1 of section 16 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 16, subs. 1, re-enacted.

(1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, timber, brush or other inflammable material cut or accumulated thereon.

3.—(1) Subsection 1 of section 19 of *The Forest Fires Prevention Act, 1948*, c. 32, s. 19, subs. 1, amended.

“officer” in the second line the words “may use any privately-owned equipment and”, so that the subsection shall read as follows:

Right to
summon
assistance.

- (1) For the purpose of controlling and extinguishing any fire, an officer may use any privately-owned equipment and may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and dispatchers on duty, doctors and persons physically unfit.

<sup>1948, c. 32,
s. 19, subs. 2,
amended.</sup> (2) Subsection 2 of the said section 19 is amended by inserting after the word "neglects" in the first line the words "to provide any privately-owned equipment or", so that the subsection shall read as follows:

Penalty
for refusing
to assist or
to provide
equipment.

- (2) Every person who refuses or neglects to provide any privately-owned equipment or to render assistance when required under this section shall be guilty of an offence against this Act.

<sup>1948, c. 32,
s. 20, subs. 1,
amended.</sup> 4. Subsection 1 of section 20 of *The Forest Fires Prevention Act, 1948* is amended by striking out the words "shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be", so that the subsection shall read as follows:

Reporting
and ex-
tinguishing
fires.

- (1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—
- (a) a fire set out for cooking or obtaining warmth and kept under control; or
 - (b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be.

Short title.

5. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1949*.

An Act to amend The Forest Fires
Prevention Act, 1948.

1st Reading

March 15th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. SCOTT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Barristers Act.

MR. THORNBERRY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The section to be added is similar to one which was in the Act for many years, but was never proclaimed and was repealed in 1946. The major difference is that the earlier section restricted the creation of King's Counsels to five a year or twenty in four years. The proposed new section sets the restriction at twenty per year. The exceptions are the same as those previously provided for.

No. 137

1949

BILL

An Act to amend The Barristers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Barristers Act* is amended by adding thereto the Rev. Stat.,
following section: c. 222,
amended.

5a.—(1) From and after the time when this section comes into force no appointment of His Majesty's Counsel learned in the law shall be made by the Lieutenant-Governor in Council beyond the number of twenty in any one year, save and except in the following cases:

(a) That of any person who may be appointed Minister of Justice or Solicitor-General of Canada, or Attorney-General for Ontario; Exceptions.

(b) That of any person appointed by the Governor-General in Council, for the Federal Courts, one of His Majesty's Counsel learned in the law.

(2) Except in the cases mentioned in clauses *a* and *b* no person shall be so appointed who is not of at least ten years' standing at the Bar of Ontario. Qualifications of King's Counsel.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Barristers Amendment Act, 1949.* Short title.

BILL

An Act to amend The Barristers Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

MR. THORNBERRY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949 •

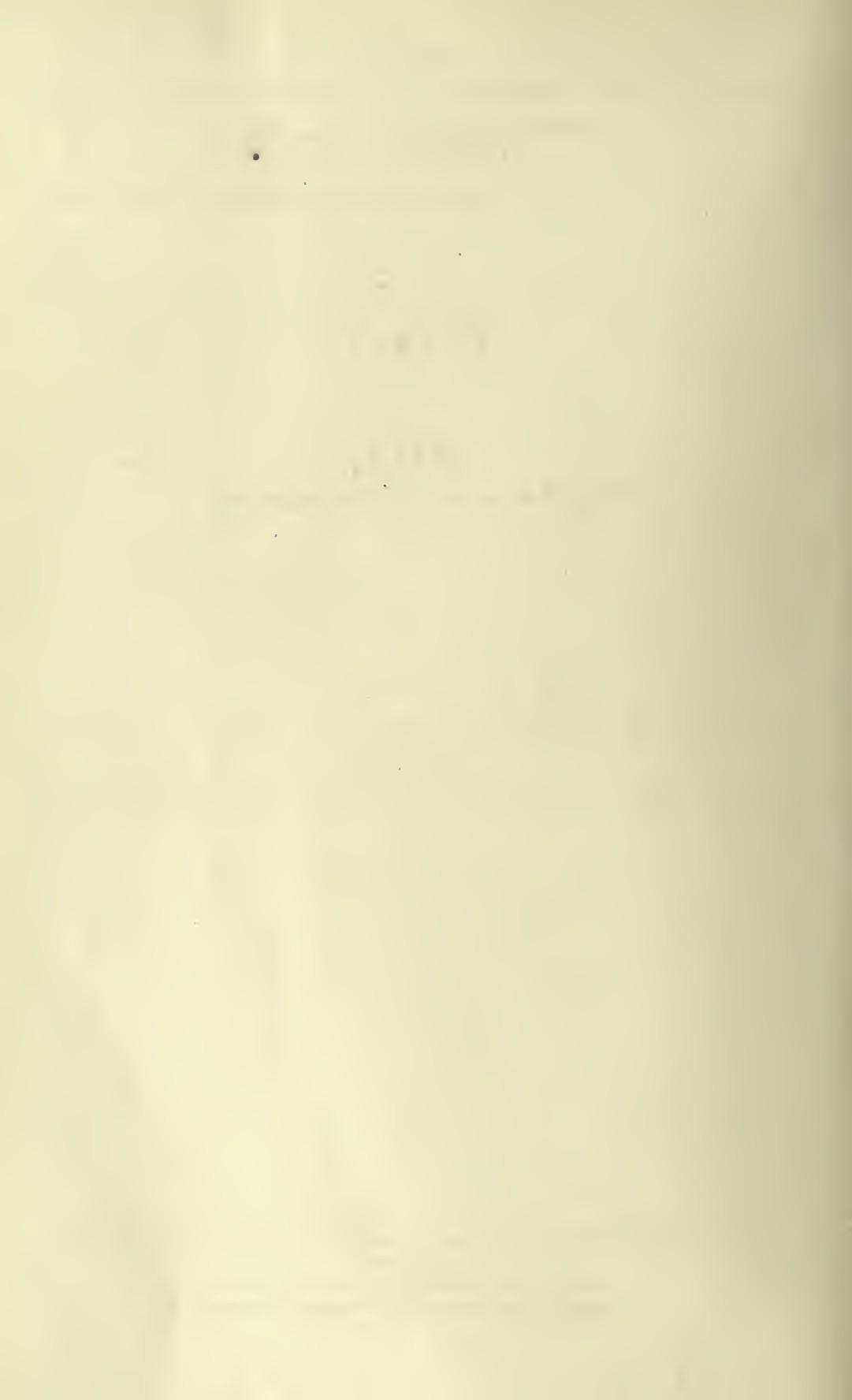
BILL

An Act to amend The Municipal Act.

MR. ELLIS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 138

1949

BILL

An Act to amend The Municipal Act.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the Rev. Stat.,
c. 266,
amended.

414a.—(1) By-laws may be passed by the councils of cities and towns:

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates.

(a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the

capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

Emission of smoke.

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph 1, and for defining the words "smoke", "dust", "fly-ash", "soot" and "fumes".

Tests and alterations of equipment.

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

Minor deviations.

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution.

Reports of sales of equipment.

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten days after every such sale or lease particulars thereof to an officer designated in the by-law.

Smoke board.

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals.

(a) Any person may appeal from a decision of the Board established under this paragraph to the Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or structure subsequently erected, in any court of competent jurisdiction, as a debt due and payable.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board of resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, or any decision or resolution of the board established pursuant to paragraph 6, which penalties shall be recoverable under *The Summary Convictions Act.* Rev. Stat., c. 136.

(2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof or signature.

(3) Where any by-law, decision, order or resolution referred to in this section is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the municipality.

(4) Subject to subsections 5 to 9 no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of

cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Notice.

(5) The council may serve by prepaid registered mail upon any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

**Time limit
for objec-
tions.**

(6) Unless within thirty days of the mailing of such notice the person affected by the notice files with the clerk of the municipality a statement of objections, such person shall be subject to any such by-law to the extent set out in the notice.

Hearing.

(7) Upon service of a statement of objections upon the clerk of the municipality within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1 hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision.

Appeal.

(8) Within thirty days of the service of a decision under subsection 7, the person affected may serve notice of appeal to the Municipal Board on the clerk of the municipality and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.

**Order of
Board final.**

(9) The hearing of the appeal shall be a hearing *de novo*, and the order of the Board shall be final and binding upon the person affected and the municipality.

Short title.

2. This Act may be cited as *The Municipal Amendment Act, 1949.*

An Act to amend The Municipal Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

MR. ELLIS

1948

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. ELLIS

(Reprinted as amended in Committee of the Whole House.)

No. 138

1949

BILL

An Act to amend The Municipal Act.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

414a.—(1) By-laws may be passed by the councils of cities having a population of not less than 100,000;

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates.

(a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the

capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

**Emission
of smoke.**

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph 1, and for defining the words "smoke", "dust", "fly-ash", "soot" and "fumes".

**Tests and
alterations
of equip-
ment.**

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

**Minor
deviations.**

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution.

**Reports of
sales of
equipment.**

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten days after every such sale or lease particulars thereof to an officer designated in the by-law.

**Smoke
board.**

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals.

(a) Any person may appeal from a decision of the board established under this paragraph to the Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or structure subsequently erected, in any court of competent jurisdiction, as a debt due and payable.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board by resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, or any decision or resolution of the board established pursuant to paragraph 6, which penalties shall be recoverable under *The Summary Convictions Act.*

Rev. Stat., c. 136.

(2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof or signature.

(3) Where any by-law, decision, order or resolution referred to in this section is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the municipality.

(4) Subject to subsections 5 to 9 no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of

Smoke
nuisances
from sub-
sequently-
built
structures.

cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Notice.

(5) The council may serve by prepaid registered mail upon any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

Time limit
for objec-
tions.

(6) Unless within thirty days of the mailing of such notice the person affected by the notice files with the clerk of the municipality a statement of objections, such person shall be subject to any such by-law to the extent set out in the notice.

Hearing.

(7) Upon service of a statement of objections upon the clerk of the municipality within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1 hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision.

Appeal.

(8) Within thirty days of the service of a decision under subsection 7, the person affected may serve notice of appeal to the Municipal Board on the clerk of the municipality and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.

Order of
Board final.

(9) The hearing of the appeal shall be a hearing *de novo*, and the order of the Board shall be final and binding upon the person affected and the municipality.

Commence-
ment of Act.

 2. This Act shall come into force on the day it receives the Royal Assent. 

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1949

2nd Reading

March 27th, 1949

3rd Reading

MR. ELLIS

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. ELLIS

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 138

1949

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 266;
amended.

414a.—(1) By-laws may be passed by the councils of cities having a population of not less than 100,000:

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates. Regulating
smoke-
producing
equipment.

(a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the

capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

**Emission
of smoke.**

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph 1, and for defining the words "smoke", "dust", "fly-ash", "soot" and "fumes".

**Tests and
alterations
of equip-
ment.**

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

**Minor
deviations.**

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution.

**Reports of
sales of
equipment.**

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten days after every such sale or lease particulars thereof to an officer designated in the by-law.

**Smoke
board.**

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals.

(a) Any person may appeal from a decision of the board established under this paragraph to the Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or structure subsequently erected, in any court of competent jurisdiction, as a debt due and payable.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board by resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, or any decision or resolution of the board established pursuant to paragraph 6, which penalties shall be recoverable under *The Summary Convictions Act.* Rev. Stat., c. 136.

(2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof or signature.

(3) Where any by-law, decision, order or resolution referred to in this section is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the municipality.

(4) Subject to subsections 5 to 9 no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of

cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Notice.

(5) The council may serve by prepaid registered mail upon any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

**Time limit
for objections.**

(6) Unless within thirty days of the mailing of such notice the person affected by the notice files with the clerk of the municipality a statement of objections, such person shall be subject to any such by-law to the extent set out in the notice.

Hearing.

(7) Upon service of a statement of objections upon the clerk of the municipality within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1 hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision.

Appeal.

(8) Within thirty days of the service of a decision under subsection 7, the person affected may serve notice of appeal to the Municipal Board on the clerk of the municipality and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.

**Order of
Board final.**

(9) The hearing of the appeal shall be a hearing *de novo*, and the order of the Board shall be final and binding upon the person affected and the municipality.

Commencement of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1949

2nd Reading

March 27th, 1949

3rd Reading

April 1st, 1949

MR. ELLIS

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Workmen's Compensation Act.

MR. FELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. Provides for compensation where a pre-existing condition is aggravated.

No. 139

1949

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Workmen's Compensation Act* is amended by adding Rev. Stat.,
thereto the following section: c. 204
amended.

- 41.—(1) Where a workman suffers any disability which is in part the result of an accident and in part the result of aggravation of a pre-existing condition, whether such aggravation is apparent at the time of the accident or becomes apparent at any time thereafter, the Board shall pay compensation to the workman in accordance with the actual degree of disability from which he suffers. Pre-existing condition.
- (2) The Board shall estimate the degree of disability which is directly due to the accident and shall pay the amount of compensation payable for that degree of disability from the accident fund, and the remainder of the compensation from the special fund provided for in subsection 2 of section 101. Assessment.

2. This Act may be cited as *The Workmen's Compensation Amendment Act, 1949.* Short title.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

MR. FELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

EXPLANATORY NOTE

SECTION 1. The definition of "local board" is re-enacted to conform to the definition in *The Department of Municipal Affairs Act*.

SECTION 2. The power given to the Municipal Board under this clause is exercised by the Department of Municipal Affairs under clause *h* of section 8 of *The Department of Municipal Affairs Act* and this clause is therefore repealed.

SECTION 3. The repealed section authorized the Board to arbitrate in disputes between a railway or public utility and its employees. Such matters come within the jurisdiction of the Department of Labour.

No. 140

1949

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Municipal Board Act* Rev. Stat., c. 60, s. 1,
is repealed and the following substituted therefor: cl. *b*, re-enacted.

(*b*) "Local board" shall mean school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

2. Clause *a* of subsection 1 of section 59 of *The Ontario Municipal Board Act* Rev. Stat., c. 60, s. 59,
is repealed. subs. 1, cl. *a*, repealed.

3. Section 81 of *The Ontario Municipal Board Act* is Rev. Stat., c. 60, s. 81,
repealed.

4. This Act shall come into force on the day it receives the Commencement of Act.
Royal Assent.

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1949*. Short title.

BILL

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

Mr. DUNBAR

No. 140

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 140

1949

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 1.
cl. *b*, re-enacted.

(*b*) "Local board" shall mean school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

2. Clause *a* of subsection 1 of section 59 of *The Ontario Municipal Board Act* is repealed. Rev. Stat., c. 60, s. 59,
subs. 1, cl. *a*, repealed.

3. Section 81 of *The Ontario Municipal Board Act* is repealed. Rev. Stat., c. 60, s. 81,
repealed.

4. This Act shall come into force on the day it receives the Commencement of Act. Royal Assent.

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1949*. Short title.

BILL

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 16th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

Mr. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Local Improvement Act.

MR. DUNBAR

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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EXPLANATORY NOTE

Doubts have arisen as to the method by which the cost of pumping works necessary to the effective operation of a sewer may be charged. Section 34 is re-enacted to cover the situation in the same way as is applicable in respect of outlet sewers which carry away sewage from lands not abutting on the work.

No. 141

1949

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Local Improvement Act* is repealed Rev. Stat., c. 269, s. 34, re-enacted.
34. Where the work is the construction of a sewer which is an outlet for sewage from lands not abutting directly upon the work or is the installation and construction of sewage pumping works, force mains, siphons and other pumping facilities necessary for a sewer or sewer system in carrying away sewage from lands not abutting directly upon the works, the council may, in the by-law for undertaking the work passed by a vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost of the work as to the council may seem just, and that the residue thereof shall be specially assessed on the lands not abutting on the work but immediately benefited thereby in the manner provided by sections 36 and 37. Assessment of cost of outlet or pumping works.
2. This Act shall come into force on the day it receives the Commencement of Act. Royal Assent.
3. This Act may be cited as *The Local Improvement Amendment Act, 1949.* Short title.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Local Improvement Act.

MR. DUNBAR

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 141

1949

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Local Improvement Act* is repealed Rev. Stat., c. 269, s. 34, re-enacted. and the following substituted therefor:
34. Where the work is the construction of a sewer which is an outlet for sewage from lands not abutting directly upon the work or is the installation and construction of sewage pumping works, force mains, siphons and other pumping facilities necessary for a sewer or sewer system in carrying away sewage from lands not abutting directly upon the works, the council may, in the by-law for undertaking the work passed by a vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost of the work as to the council may seem just, and that the residue thereof shall be specially assessed on the lands not abutting on the work but immediately benefited thereby in the manner provided by sections 36 and 37. Assessment of cost of outlet or pumping works.
2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
3. This Act may be cited as *The Local Improvement Amendment Act, 1949.* Short title.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

March 16th, 1949

2nd Reading

March 18th, 1949

3rd Reading

March 25th, 1949

MR. DUNBAR

No. 142

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Municipal Act.

MR. DENNISON

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 142

1949

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the Rev. Stat.,
c. 266,
amended.

403a. By-laws may be passed by the councils of cities having a population of not less than 70,000;

1. For prescribing the amount of heat to be supplied Heating of
housing
accommodation. by landlords for housing accommodation where landlords have agreed to supply heat.

2. For providing that no landlord or other person shall Idem. discontinue or lessen any heating service supplied or to be supplied by a landlord for any housing accommodation during the term of any enforceable contract for the letting of the housing accommodation or during the period of any renewal or extension thereof unless there is an agreement between the landlord and the tenant to the contrary or unless the discontinuance or lessening of heating service is due to governmental order or fuel not being available or pursuant to governmental permission.

(a) For the purpose of this section "housing Housing
accommodation defined." means any place of dwelling, except any room or rooms forming part of the residence of the landlord or his agent and of which the entrance and any facility are used in common by the landlord or his agent and the occupant of the room or rooms, and except any room in a hotel or clubhouse.

BILL

An Act to amend The Municipal Act.

1st Reading

March 16th, 1949

2nd Reading

3rd Reading

MR. DENNISON

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Boards of Education Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition is re-enacted to include municipal boards created under section 2c which is added to the Act by section 3 of th's Bill.

SECTION 2. Under section 2 of the Act as it now exists, a municipality can establish a municipal board of education only after a resolution of council and a vote of the electors. This has meant that at least fifteen months must elapse between the time that council decides it is expedient to form a board of education and the time that the board can commence operations.

No. 143

1949

BILL

An Act to amend The Boards of Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Boards of Education Act*, ^{Rev. Stat., c. 361, s. 1, cl. c.} as amended by section 1 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

(c) "Municipal board" and "municipal board of education" shall mean a board of education organized under section 2, 2a, 2b or 2c of this Act. ^{"Municipal board" and "municipal board of education".}

2. Section 2 of *The Boards of Education Act*, as amended by section 1 of *The School Law Amendment Act, 1943* and section 2 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

2.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, comprising the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

(2) Such by-law may be passed notwithstanding that a union board already exists in the municipality. ^{By-law may be passed where union board exists.}

(3) Upon the organization of the board, all the property theretofore vested in any high school board, public school board or union board within the district shall become vested in the municipal board, and all debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. ^{Assets and liabilities vested in municipal board.}

Rev. Stat.,
c. 361
amended.

3. The Boards of Education Act is amended by adding thereto the following sections:

Municipal
board for
adjoining
municipali-
ties in
territorial
districts.

Rev. Stat.,
c. 360.

Assets and
liabilities.

By-law
although
high school
district not
in effect.

Rev. Stat.,
c. 361, s. 5,
subs. 1,
amended.

Election of
members by
wards in
cities.

Submission
of question.

Rev. Stat.,
c. 361, s. 5,
amended.

Submission
of question
where by-
law not
in effect.

2c.—(1) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district under *The High Schools Act*, the councils of the adjoining municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal elections, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

(2) Upon the organization of the board, the provisions of subsection 2 of section 2a shall apply.

2d. A by-law establishing a municipal board may be passed notwithstanding that the by-law or by-laws establishing the high school district have not come into effect, and in such case, no high school board shall be organized under *The High Schools Act*.

4.—(1) Subsection 1 of section 5 of *The Boards of Education Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "100,000", so that the subsection shall read as follows:

(1) The council of any city having a population of not less than 100,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?"

(2) The said section 5 is further amended by adding thereto the following subsection.

(1a) The question provided for in subsection 1 may be submitted notwithstanding that the by-law establishing a municipal board for the city has not come into effect, and in case the question is answered in the affirmative by a majority of the persons voting thereon, the elective membership of the municipal board shall consist of two members to be elected in each ward of the city.

SECTION 3. Section 2c is added to the Act to provide for the establishment of a municipal board of education in a territorial district by two or more adjoining municipalities.

Section 2d is added so that, where by-laws establishing a high school district have been passed, provision may be made for a board of education for the district at the start.

SECTION 4. The right to have the elective membership of a municipal board of education of a city elected by wards, at present limited to cities of 200,000 population or more, is extended to cities of 100,000 population or more, and provision is made to allow the elective membership of a municipal board to be elected by wards from the beginning.

SECTION 5. This amendment makes it clear that a copy of the resolution providing for a union board must be filed with the clerk of each municipality included or partly included in the high school district.

SECTION 6. Self-explanatory.

5. Subsection 1 of section 12 of *The Boards of Education Act*, as amended by section 2 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "the municipality in which the high school district is situate" in the seventh and eighth lines and inserting in lieu thereof the words "each municipality which or part of which is included in the high school district", so that the subsection shall read as follows:

- (1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of each municipality which or part of which is included in the high school district certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union. Formation of union boards.

6. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat., c. 361, amended.

- 18a.** A municipal board of a high school district which comprises two or more municipalities or parts thereof may pay to each member a mileage allowance at meetings, not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each member a sum not exceeding five dollars for each of not more than twelve meetings attended by such member in any one year. Mileage allowance and fee for attendance at meetings.

7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Boards of Education Amendment Act, 1949*. Short title.

BILL

An Act to amend
The Boards of Education Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Boards of Education Act.

MR. PORTER

No. 143

1949

BILL

An Act to amend The Boards of Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Boards of Education Act*, Rev. Stat., c. 361, s. 1, as amended by section 1 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

(c) "Municipal board" and "municipal board of education" shall mean a board of education organized under section 2, *2a*, *2b* or *2c* of this Act. "Municipal board" and "municipal board of education".

2. Section 2 of *The Boards of Education Act*, as amended by section 1 of *The School Law Amendment Act, 1943* and section 2 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

2.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

(2) Such by-law may be passed notwithstanding that a union board already exists in the municipality. By-law may be passed where union board exists.

(3) Upon the organization of the board, all the property theretofore vested in any high school board, public school board or union board within the district shall become vested in the municipal board, and all debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. Assets and liabilities vested in municipal board.

Rev. Stat.,
c. 361,
amended.

3. *The Boards of Education Act* is amended by adding thereto the following sections:

Municipal
board for
adjoining
municipali-
ties in
territorial
districts.

Rev. Stat.,
c. 360.

Assets and
liabilities.

By-law
although
high school
district not
in effect.

Rev. Stat.,
c. 361, s. 5,
subs. 1,
amended.

Election of
members by
wards in
cities.

Submission
of question.

Rev. Stat.,
c. 361, s. 5,
amended.

Submission
of question
where by-
law not
in effect.

2c.—(1) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district under *The High Schools Act*, the councils of the adjoining municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal elections, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

(2) Upon the organization of the board, the provisions of subsection 2 of section 2a shall apply.

2d. A by-law establishing a municipal board may be passed notwithstanding that the by-law or by-laws establishing the high school district have not come into effect, and in such case, no high school board shall be organized under *The High Schools Act*.

4.—(1) Subsection 1 of section 5 of *The Boards of Education Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "100,000", so that the subsection shall read as follows:

(1) The council of any city having a population of not less than 100,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?"

(2) The said section 5 is further amended by adding thereto the following subsection.

(1a) The question provided for in subsection 1 may be submitted notwithstanding that the by-law establishing a municipal board for the city has not come into effect, and in case the question is answered in the affirmative by a majority of the persons voting thereon, the elective membership of the municipal board shall consist of two members to be elected in each ward of the city.

5. Subsection 1 of section 12 of *The Boards of Education Act*, as amended by section 2 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "the municipality in which the high school district is situate" in the seventh and eighth lines and inserting in lieu thereof the words "each municipality which or part of which is included in the high school district", so that the subsection shall read as follows:

- (1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of each municipality which or part of which is included in the high school district certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

6. *The Boards of Education Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 361,
amended.

- 18a. A municipal board of a high school district which comprises two or more municipalities or parts thereof may pay to each member a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by such member in any one year.

Mileage
allowance
and fee for
attendance
at meetings.

7. This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

8. This Act may be cited as *The Boards of Education Amendment Act, 1949*.

Short title.

BILL

An Act to amend
The Boards of Education Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The College of Art Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Reference is made in *The College of Art Act* to "the Minister". This amendment indicates what Minister is referred to.

SECTION 2—Subsection 1. Clause *a* of subsection 1 of section 5 is re-enacted to provide for twelve members instead of thirteen to be appointed to the Council of the College by the Lieutenant-Governor in Council. Clause *b* is to correct the nomenclature of the various representative bodies, and to replace certain bodies by others. The Toronto Graphic Arts Association has replaced the Graphic Arts Society and the Canadian Lithographers Association has replaced the Applied Art Society. The Canadian National Exhibition has been omitted, thus reducing the representation under this clause from twelve to eleven.

Subsection 2. The present members of the Council appointed by the Lieutenant-Governor in Council continue to hold office during pleasure, and the remaining members continue in office until the end of 1949.

No. 144

1949

BILL

An Act to amend The College of Art Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The College of Art Act* is amended by adding Rev. Stat., c. 377, s. 1, amended.

(c) "Minister" shall mean Minister of Education. "Minister".

2.--(1) Subsection 1 of section 5 of *The College of Art Act* Rev. Stat., c. 377, s. 5, subs. 1, re-enacted.

is repealed and the following substituted therefor:

(1) The Council shall be composed as follows: Composition of Council.

(a) the Lieutenant-Governor in Council may appoint twelve members who shall hold office during pleasure; and

(b) the Art Gallery of Toronto, the Ontario Society of Artists, the Toronto Graphic Arts Association, the Canadian Lithographers Association, the Ontario Association of Architects, the Toronto Camera Club, the Women's Art Association of Canada, the Trades and Labour Council of the City of Toronto, the Canadian Manufacturers Association, the Association of Canadian Advertisers, and the Senate of the University of Toronto shall each appoint one member who shall hold office for one year.

(2) Notwithstanding subsection 1 of section 5 of *The College of Art Act*, as re-enacted by subsection 1 of this Continuance in office of present members of Council.

(a) the present members of the Council of the Ontario College of Art appointed by the Lieutenant-Governor in Council shall continue to hold office during pleasure, provided that when the first vacancy in such membership occurs, no appointment shall be made to fill such vacancy; and

(b) the other present members of the Council shall continue to hold office until the 31st day of December, 1949.

Rev. Stat.,
c. 377, s. 7,
re-enacted.

3. Section 7 of *The College of Art Act* is repealed and the following substituted therefor:

Time for
appoint-
ments.

7. Appointments to the Council under clause b of subsection 1 of section 5 shall be made at the first meeting of the appointing body in the calendar year.

Rev. Stat.,
c. 377, s. 8,
amended.

4. Section 8 of *The College of Art Act* is amended by striking out the words "in the month of November" in the third line, so that the section shall read as follows:

Meetings.

8. The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting, shall be held upon such date as may be fixed by the by-laws of the Council.

Rev. Stat.,
c. 377,
amended.

5. *The College of Art Act* is amended by adding thereto the following section:

Annual
report.

22.—(1) The Council shall after the close of each fiscal year through the Minister of Education, file with the Provincial Secretary an annual report upon the affairs of the College.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Commencement
of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The College of Art Amendment Act, 1949.*

SECTION 3. The Act at present requires appointments to be made during the month of September in every year. It is now desirable that the appointments be made as early in the year as possible.

SECTION 4. The section is amended to allow the Council to hold its annual meeting at any time during the year.

SECTION 5. Self-explanatory.

An Act to amend
The College of Art Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1949

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The College of Art Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 144

1949

BILL

An Act to amend The College of Art Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The College of Art Act* is amended by adding thereto the following clause: Rev. Stat., c. 377, s. 1, amended.

(c) "Minister" shall mean Minister of Education. "Minister".

2.—(1) Subsection 1 of section 5 of *The College of Art Act* is repealed and the following substituted therefor: Rev. Stat., c. 377, s. 5, re-enacted.

(1) The Council shall be composed as follows: Composition of Council.

(a) the Lieutenant-Governor in Council may appoint twelve members who shall hold office during pleasure; and

(b) the Art Gallery of Toronto, the Ontario Society of Artists, the Toronto Graphic Arts Association, the Canadian Lithographers Association, the Ontario Association of Architects, the Toronto Camera Club, the Women's Art Association of Canada, the Trades and Labour Council of the City of Toronto, the Canadian Manufacturers Association, the Association of Canadian Advertisers, and the Senate of the University of Toronto shall each appoint one member who shall hold office for one year.

(2) Notwithstanding subsection 1 of section 5 of *The College of Art Act*, as re-enacted by subsection 1 of this section,— Continuance in office of present members of Council.

(a) the present members of the Council of the Ontario College of Art appointed by the Lieutenant-Governor in Council shall continue to hold office during pleasure, provided that when the first vacancy in such membership occurs, no appointment shall be made to fill such vacancy; and

(b) the other present members of the Council shall continue to hold office until the 31st day of December, 1949.

Rev. Stat.,
c. 377, s. 7,
re-enacted.

3. Section 7 of *The College of Art Act* is repealed and the following substituted therefor:

Time for
appoint-
ments.

7. Appointments to the Council under clause b of subsection 1 of section 5 shall be made at the first meeting of the appointing body in the calendar year.

Rev. Stat.,
c. 377, s. 8,
amended.

4. Section 8 of *The College of Art Act* is amended by striking out the words "in the month of November" in the third line, so that the section shall read as follows:

Meetings.

8. The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting, shall be held upon such date as may be fixed by the by-laws of the Council.

Rev. Stat.,
c. 377,
amended.

5. *The College of Art Act* is amended by adding thereto the following section:

Annual
report.

22.—(1) The Council shall after the close of each fiscal year through the Minister of Education, file with the Provincial Secretary an annual report upon the affairs of the College.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Commencement
of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The College of Art Amendment Act, 1949.*

An Act to amend
The College of Art Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Continuation Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1. The present definition of "continuation school section" is misleading as a continuation school board has no jurisdiction over any municipality or part of a municipality. "Continuation school district" describes the area involved more accurately and conforms to the present definition of "resident pupils".

SECTION 2—Subsection 1. The amendment makes it clear that the appointments are annual and are to be made at the first regular meeting of the boards in each year.

Subsection 2. Where a continuation school is established by one or more public school boards and one or more separate school boards, it is impractical to follow the directions of the present subsection and name all the school sections.

No. 145

1949

BILL

An Act to amend The Continuation Schools Act.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Continuation Schools Act* Rev. Stat., c. 359, s. 1, cl. *a*, re-enacted. is repealed and the following substituted therefor:

(a) "Continuation school district" shall mean the property liable to assessment and taxation for the purposes of the continuation school. "Continuation school district".

2.—(1) Subsection 5 of section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947*, is amended by adding at the end thereof the words "at the first regular meeting in each year", so that the subsection shall read as follows:

(5) A continuation school established under subsection 4 Management of continuation school under board. shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively at the first regular meeting in each year.

(2) Subsection 6 of the said section 3 is amended by striking out the article "the" where it occurs the first time in the third line and by striking out the words "*naming the municipality or school section or sections*" in the third and fourth lines and inserting in lieu thereof the words "*inserting a name selected by the board and approved by the Minister*", so that the subsection shall read as follows:

(6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of Board to be body corporate. *" (inserting a name selected by the board and approved by the Minister).*

**Rev. Stat.,
c. 359, s. 5,
subs. 1^a, cl. a,
re-enacted.** **3.—(1)** Clause *a* of subsection 1 of section 5 of *The Continuation Schools Act* is repealed and the following substituted therefor:

(a) a resident pupil of the continuation school district by the board of which the school is established or maintained.

**Rev. Stat.,
c. 359, s. 5,
subs. 1^a,
(1938, c. 35,
s. 4, subs. 2),
re-enacted.** **(2)** Subsection 1*a* of the said section 5, as enacted by subsection 2 of section 4 of *The School Law Amendment Act*, 1938 and amended by section 2 of *The School Law Amendment Act, 1941* and subsection 1 of section 3 of *The Continuation Schools Amendment Act, 1948*, is repealed and the following substituted therefor:

**Fees payable
by boards
in certain
cases.**

(1a) Where;—

(a) a resident pupil of a continuation school district in a county attends a continuation or high school in his own county but outside of his school district or a continuation or high school which has been declared open to such pupils in an adjoining county or in a city or separated town in his own or an adjoining county; or

(b) a resident pupil of a continuation school district in a territorial district attends a continuation or high school in Ontario but outside of his school district,

because the continuation or high school is more accessible to the pupil than any continuation school in his own school district or provides a course of study not offered in his own school district, the board of the continuation school district of which he is a resident pupil shall pay fees to the board of the continuation or high school district whose school he attends, calculated in accordance with section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

**"Course of
study"
defined.**

(1aa) In subsection 1*a*, "course of study" means subjects which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations.

Commencement of Act. **4.—(1)** This Act, except section 3, shall come into force on the day it receives the Royal Assent.

SECTION 3—Subsections 1 and 2. These amendments are for clarification and to bring the matter of payment of fees into line with the definitions of resident and county pupils as amended in 1948. The only substantial change involved is the definition of course of study added as subsection 1aa to section 5 of the Act.

(2) Section 3 shall be deemed to have come into force on ~~Idem.~~
the 1st day of January, 1949.

5. This Act may be cited as *The Continuation Schools* short title.
Amendment Act, 1949.

BILL

An Act to amend
The Continuation Schools Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Continuation Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 145

1949

BILL

An Act to amend The Continuation Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Continuation Schools Act* ^{Rev. Stat., c. 359, s. 1,} is repealed and the following substituted therefor: ^{cl. *a*, re-enacted.}

(*a*) "Continuation school district" shall mean the property liable to assessment and taxation for the purposes of the continuation school. ^{"Continuation school district".}

2.—(1) Subsection 5 of section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947*, is amended by adding at the end thereof the words "at the first regular meeting in each year", so that the subsection shall read as follows:

(5) A continuation school established under subsection 4 ^{Management of continuation school under board.} shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively at the first regular meeting in each year.

(2) Subsection 6 of the said section 3 is amended by striking out the article "the" where it occurs the first time in the third line and by striking out the words "naming the municipality or school section or sections" in the third and fourth lines and inserting in lieu thereof the words "inserting a name selected by the board and approved by the Minister", so that the subsection shall read as follows:

(6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of " ^{be body corporate.} (inserting a name selected by the board and approved by the Minister).

Rev. Stat., c. 359, s. 5, subs. 1, cl. a. **3.**—(1) Clause *a* of subsection 1 of section 5 of *The Continuation Schools Act* is repealed and the following substituted therefor:

- (a) a resident pupil of the continuation school district by the board of which the school is established or maintained.

Rev. Stat., c. 359, s. 5, subs. 1^a, (1938, c. 35, s. 4, subs. 2). **3.**—(2) Subsection 1^a of the said section 5, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938* and amended by section 2 of *The School Law Amendment Act, 1941* and subsection 1 of section 3 of *The Continuation Schools Amendment Act, 1948*, is repealed and the following substituted therefor:

Fees payable by boards in certain cases.

(1a) Where,—

- (a) a resident pupil of a continuation school district in a county attends a continuation or high school in his own county but outside of his school district or a continuation or high school which has been declared open to such pupils in an adjoining county or in a city or separated town in his own or an adjoining county; or
- (b) a resident pupil of a continuation school district in a territorial district attends a continuation or high school in Ontario but outside of his school district,

because the continuation or high school is more accessible to the pupil than any continuation school in his own school district or provides a course of study not offered in his own school district, the board of the continuation school district of which he is a resident pupil shall pay fees to the board of the continuation or high school district whose school he attends, calculated in accordance with section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

“Course of study” defined.

- (1aa) In subsection 1^a, “course of study” means subjects which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations.

Commencement of Act. **4.**—(1) This Act, except section 3, shall come into force on the day it receives the Royal Assent.

(2) Section 3 shall be deemed to have come into force on ~~Idem.~~
the 1st day of January, 1949.

5. This Act may be cited as *The Continuation Schools* ~~Short title.~~
Amendment Act, 1949.

An Act to amend
The Continuation Schools Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

Mr. PORTER

No. 146

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The High Schools Act.

MR. PORTER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The present definition of "separated town" includes a town in territory without county organization. This conflicts with the intention of recent amendments to *The High Schools Act* and the reference is therefore deleted.

SECTION 2. Complementary to section 1 of this Bill

SECTION 3—Subsections 1 and 2. These amendments are to clarify the qualifications of a county representative as a high school trustee.

Subsection 3. This provision, which relates to the time for appointing trustees, is included in subsection 1 of section 21, as re-enacted in section 7 of this Bill.

No. 146

1949

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 1 of *The High Schools Act* is amended by striking out the word “over” in subs. 1, c. 360, s. 1, cl. *f*, and inserting in lieu thereof the word “in”, amended. so that the clause shall read as follows:

(*f*) “High school district” shall mean the municipalities “High school district.” and parts of municipalities in which a board has jurisdiction.

(2) Clause *n* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(*n*) “Separated town” shall mean a town separated for “Separated town.” municipal purposes from the county in which it is situate.

2. Subsection 6 of section 4 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act*, 1947, is amended by striking out the word “separated” in (1947), c. 42, s. 1, the third line, so that the subsection shall read as follows: amended.

(6) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a town and the whole or any part of an unorganized township as a high school district.

3.—(1) Subsection 1 of section 11 of *The High Schools Act*, as amended by section 3 of *The High Schools Amendment Act*, 1948, is further amended by striking out the words “or in the county or municipality in the case of a county or of a district municipality appointment” in the third and fourth lines, so that the subsection shall read as follows:

(1) Any ratepayer of a municipality which, or any part Qualification trustees.

of which, is included in the high school district who is a British subject, has attained the age of twenty-one years, resides in the high school district or within five miles of the boundaries thereof, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified as a high school trustee.

Rev. Stat., c. 360, s. 11, amended. (2) The said section 11 is further amended by adding thereto the following subsection:

County appointees.

(1a) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under subsection 1 shall be qualified to be a high school trustee.

Rev. Stat., c. 360, s. 11, subs. 3 (1946, c. 37, s. 4), repealed. (3) Subsection 3 of the said section 11, as enacted by section 4 of *The High Schools Amendment Act, 1946*, is repealed.

Rev. Stat., c. 360, s. 13, subs. 1 (1947, c. 42, s. 2), amended. 4.—(1) The first six lines of subsection 1 of section 13 of *The High Schools Act*, as re-enacted by section 2 of *The High Schools Amendment Act, 1947*, are amended by striking out the words "subject to *The Boards of Education Act*" in the third and fourth lines and inserting in lieu thereof the words "or one or more municipalities in a territorial district", so that the first six lines of the subsection shall read as follows:

Appointment of trustees.—

(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows,—

• • • • •

Rev. Stat., c. 360, s. 13, subs. 3 (1947, c. 42, s. 2), re-enacted. (2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

Where city or separated town included in district.

(3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year,

SECTION 4—Subsection 1. This amendment provides the same representation on a high school board for municipalities in territorial districts as in the case of the counties.

Subsection 2. This amendment clarifies the composition of the board for a high school district comprising municipalities forming part of a county and a city or separated town. The appointments to be made by the city are increased in such cases from three to six.

SECTION 5. The new principle effected by this amendment is the authority given by subclauses ii of clauses *a* and *b* to request the appointment of additional trustees by a county council. The section at present only authorizes the appointments mentioned in subclauses i of clauses *a* and *b*.

SECTION 6. The repealed section 14 makes special provision for the appointment of trustees by the county council where the high school district comprises the whole county. This provision is contrary to the principle of local representation now established under the Act and is therefore repealed.

The repealed section 16 makes special provisions regarding the constitution of boards for high school districts established by municipalities in territorial districts. By the amendment to section 13 effected by subsection 1 of section 4 of this Bill, such boards are to be composed in the same way as boards in counties.

The repealed subsections make special provisions relating to pupils in territorial districts who are not resident in a secondary school district. As the Province now pays the whole cost of education of such pupils the subsections are obsolete.

SECTION 7. Formerly section 21 was in conflict with subsection 3 of section 11 which is repealed in section 3 of this Bill, and no provision was heretofore made to make appointments where the appointing body failed to make the appointment at the specified time.

or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

5. Subsection 1 of section 13a of *The High Schools Act*, Rev. Stat., c. 360, s. 13a, as enacted by subsection 2 of section 8 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

(1939,
c. 44, s. 8,
subs. 2).
re-enacted.

(1) Where a majority of the members of a high school board or board of education favours the appointment of more than one trustee by a county council or councils, the board may,—

(a) where the whole of the high school district is situated within one county,

(i) request the council of the county to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two adjoining counties each to appoint one trustee who shall hold office for one year; and

(b) where the high school district comprises two or more counties or parts thereof,

(i) request the council of the county having the largest population within the district according to the last revised assessment roll to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two of the other counties within or partly within the district, each to appoint one trustee who shall hold office for one year.

6. Section 14, section 16 as amended by section 5 of *The High Schools Amendment Act, 1948*, and subsections 2, 3 and 4 of section 17 of *The High Schools Act*, are repealed.

Rev. Stat.,
c. 360, ss. 14,
16, s. 17,
subs. 2, 3, 4,
repealed.

7. Subsection 1 of section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 21,
subs. 1,
re-enacted.

(1) The first appointment of trustees of a new board shall be made, and vacancies arising from the annual retirement of trustees shall be filled, at the

Time for
appointment
of
trustees.

last regular meeting of the appointing body in the calendar year, and trustees shall take office on the 1st day of January in the following year.

Idem.

- (1a) Where the appointing body fails to appoint a trustee or trustees under subsection 1, it shall make the appointment at its next regular meeting.

Rev. Stat.,
c. 360, s. 23,
subs. 1,
amended.

8.—(1) Subsection 1 of section 23 of *The High Schools Act* is amended by striking out all the words after the word "duties" in the third line, so that the subsection shall read as follows:

Security to
be given by
treasurer and
secretary-
treasurer.

- (1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties.

Rev. Stat.,
c. 360, s. 23,
subs. 2,
re-enacted.

- (2) Subsection 2 of the said section 23 is repealed and the following substituted therefor:

Bank
account.

- (2) Every treasurer and secretary-treasurer shall open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and shall deposit to the credit of such account all money received by him on account of the board.

Rev. Stat.,
c. 360, s. 24,
cl. n,
re-enacted.

- 9.** Clause *n* of section 24 of *The High Schools Act*, as amended by subsection 2 of section 6 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Appoint-
ment and
removal of
teachers,
etc.
1946, c. 97.

- (n) subject to *The Teachers' Boards of Reference Act, 1946*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties.

Rev. Stat.,
c. 360, s. 25,
subs. 2
(1947,
c. 42, s. 6),
amended.

- 10.** Subsection 2 of section 25 of *The High Schools Act*, as enacted by section 6 of *The High Schools Amendment Act, 1947*, is amended by striking out the words "provided that no such allowance shall be paid in respect of more than eight meetings in any year" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year", so that the subsection shall read as follows:

Mileage
allowance
and fee for
attendance
at meetings.

- (2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by

SECTION 8. Subsection 2 of section 23 and the words struck out of subsection 1 deal with the audit of high school board accounts. These matters are now dealt with under section 248 of *The Municipal Act*. The provision replacing subsection 2 is new.

SECTION 9. The reference to a specific part of *The Teachers' Boards of Reference Act* is amended to refer to the whole Act.

SECTION 10. The former limitation on the number of meetings for which mileage allowance may be paid is removed from the section, and provision is made for payment to board members for attendance at meetings.

SECTION 11. The repealed section 34a made provision for cases where a pupil was both a resident pupil and a county pupil as defined in *The High Schools Act*. This situation is no longer possible due to the re-enactment of the definitions in 1948.

The repealed section 37 made special provision for payment of the cost of education of county pupils residing in municipalities of certain sizes. Such provision is not consistent with the existing system of providing for county pupils and is therefore repealed.

SECTION 12. Subsection 8aa is being added to section 43 by section 14 of this Bill to take care of a high school district in a territorial district.

SECTION 13. This subsection provides a method for determining the proportionate liability for debenture debt, and for the levy for such purposes, as between municipalities composing a high school district in a territorial district.

him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year.

11. Section 34a as enacted by section 10 of *The School Law Amendment Act, 1939*, and section 37 as amended by section 8 of *The School Law Amendment Act, 1941*, of *The High Schools Act* are repealed.

12. Section 42 of *The High Schools Act*, as re-enacted by section 3 of *The High Schools Amendment Act, 1947* (No. 2), is amended by striking out the word, figure and letter "or 8a" in the seventeenth line and inserting in lieu thereof the word, figures and letters "8a or 8aa", so that the section shall read as follows:

42. The council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required; but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the high school or high schools within the jurisdiction of the board;
- (b) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and
- (c) capital expenditures out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8, 8a or 8aa, as the case may be, of section 43.

13. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act, 1938*, section 10 of *The High Schools Amendment Act, 1946* and section 4 of *The High Schools Amendment Act, 1947* (No. 2), is further amended by adding thereto the following subsection:

- (8aa) Where a high school district comprises two or more adjoining municipalities or parts of two or more adjoining municipalities in a territorial district, each municipality shall be liable for such proportion

of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part, as the case may be, bears to the total assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Rev. Stat., c. 360, s. 44, subs. 3 (1940, c. 24, s. 2, subs. 3), repealed.

14. Subsection 3 of section 44 of *The High Schools Act*, as re-enacted by subsection 3 of section 2 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat., c. 360, s. 47, subs. 1, cl. a (1938, c. 35, s. 24, subs. 1), re-enacted.

15.—(1) Clause *a* of subsection 1 of section 47 of *The High Schools Act*, as re-enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

(a) a resident pupil of the high school district by the board of which the school is established or maintained.

Rev. Stat., c. 360, s. 47, subs. 1a (1938, c. 35, s. 24, subs. 1), re-enacted.

(2) Subsection 1*a* of the said section 47, as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Fees payable by boards in certain cases.

(1*a*) Where a resident pupil of a high school district attends a high or continuation school under clause *b* of subsection 2 of section 48 or under subsection 3 of section 48, the board of the high school district of which he is a resident pupil shall pay fees to the board of the high or continuation school district whose school he attends, calculated in accordance with section 36, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

Rev. Stat., c. 360, s. 47, subs. 2, amended.

(3) Subsection 2 of the said section 47, as amended by subsection 2 of section 24 of *The School Law Amendment Act, 1938*, is further amended by adding at the end thereof the words "for the preceding calendar year", so that the subsection shall read as follows:

When fees may be charged.

(2) Pupils other than county pupils and the pupils referred to in subsections 1 and 1*a* attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than

SECTION 14. This subsection was of a temporary nature dealing with financial responsibility of counties as of the 1st day of January, 1937. The subsection having served its purpose is repealed.

SECTIONS 15 AND 16. Sections 47 and 48 of *The High Schools Act* which deal with the right to attend high schools and the requirements as to payment of fees are revised for clarification and to accord with the definitions of resident and county pupils re-enacted in 1948. The only substantial change involved is the definition of "course of study" added as subsection 5 of section 48.

SECTION 17. The requirement that agreements between teachers and boards be written has led to the belief that the ordinary principles of contract do not apply, and even after an offer and acceptance both teachers and boards have felt they were not bound as long as no written contract had been executed. These amendments clarify the position in such cases.

the average cost per pupil for education in the high school for the preceding calendar year.

16. Section 48 of *The High Schools Act*, as amended by Rev. Stat., c. 360, s. 48, section 25 of *The School Law Amendment Act, 1938*, is repealed re-enacted, and the following substituted therefor:

- 48.—(1) A county pupil shall have the right to attend any high or continuation school in the county of which he is a county pupil. Right to attend schools,—county pupils;
- (2) A resident pupil of a high school district in a county shall have the right to attend,— resident pupils in counties;
- (a) a high school in the district of which he is a resident pupil; or
 - (b) any high or continuation school which is more accessible to the pupil than any high school in his own district or provides a course of study not offered in his own district, and which is situated,
- (i) in his own county, outside of a city or separated town; or
 - (ii) in an adjoining county or in a city or separated town in his own or an adjoining county where the school is declared open to such pupils.
- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario which is more accessible to the pupil than any high school in his own school district or provides a course of study not offered in his own school district. resident pupils in territorial districts;
- (4) A non-resident pupil may attend any high school at the discretion of the board. non-resident pupils.
- (5) In this section “course of study” means subjects which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations. “Course of study” defined.

17. Subsection 1 of section 56 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 56, subs. 1, re-enacted.

- (1) A memorandum of every contract of employment between a board and a teacher shall be made in Memorandum of contract.

Proviso.

writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Salary of
teacher.

(1a) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year.

Commencement of Act. **18.**—(1) This Act, except sections 15 and 16, shall come into force on the day it receives the Royal Assent.

Idem. (2) Sections 15 and 16 shall be deemed to have come into force on the 1st day of January, 1949.

Short title. **19.** This Act may be cited as *The High Schools Amendment Act, 1949.*

BILL

An Act to amend The High Schools Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The High Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 146

1949

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 1 of *The High Schools Act* is amended by striking out the word “over” in subs. 1, the second line and inserting in lieu thereof the word “in”, so that the clause shall read as follows:

(*f*) “High school district” shall mean the municipalities and parts of municipalities in which a board has jurisdiction.

(2) Clause *n* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(*n*) “Separated town” shall mean a town separated for municipal purposes from the county in which it is situate.

2. Subsection 6 of section 4 of *The High Schools Act*, as re-enacted by section 1 of *The High Schools Amendment Act*, 1947, is amended by striking out the word “separated” in the third line, so that the subsection shall read as follows:

(6) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a town and the whole or any part of an unorganized township as a high school district.

3.—(1) Subsection 1 of section 11 of *The High Schools Act*, as amended by section 3 of *The High Schools Amendment Act*, 1948, is further amended by striking out the words “or in the county or municipality in the case of a county or of a district municipality appointment” in the third and fourth lines, so that the subsection shall read as follows:

(1) Any ratepayer of a municipality which, or any part Qualifications of trustees.

of which, is included in the high school district who is a British subject, has attained the age of twenty-one years, resides in the high school district or within five miles of the boundaries thereof, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified as a high school trustee.

Rev. Stat., c. 360, s. 11, amended. (2) The said section 11 is further amended by adding thereto the following subsection:

County appointees.

(1a) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under subsection 1 shall be qualified to be a high school trustee.

Rev. Stat., c. 360, s. 11, subs. 3 (1946, c. 37, s. 4), repealed. (3) Subsection 3 of the said section 11, as enacted by section 4 of *The High Schools Amendment Act, 1946*, is repealed.

Rev. Stat., c. 360, s. 13, subs. 1 (1947, c. 42, s. 2), amended.

4.—(1) The first six lines of subsection 1 of section 13 of *The High Schools Act*, as re-enacted by section 2 of *The High Schools Amendment Act, 1947*, are amended by striking out the words "subject to *The Boards of Education Act*" in the third and fourth lines and inserting in lieu thereof the words "or one or more municipalities in a territorial district", so that the first six lines of the subsection shall read as follows:

Appointment of trustees,—

(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows,—

.

Rev. Stat., c. 360, s. 13, subs. 3 (1947, c. 42, s. 2), re-enacted.

Where city or separated town included in district.

(2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

(3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year;

or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

5. Subsection 1 of section 13a of *The High Schools Act*, Rev. Stat., c. 360, s. 13a as enacted by subsection 2 of section 8 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

(1939,
c. 44, s. 8,
subs. 2),
re-enacted.

(1) Where a majority of the members of a high school board or board of education favours the appointment of more than one trustee by a county council or councils, the board may,—

(a) where the whole of the high school district is situated within one county,

(i) request the council of the county to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two adjoining counties each to appoint one trustee who shall hold office for one year; and

(b) where the high school district comprises two or more counties or parts thereof,

(i) request the council of the county having the largest population within the district according to the last revised assessment roll to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two of the other counties within or partly within the district, each to appoint one trustee who shall hold office for one year.

6. Section 14, section 16 as amended by section 5 of *The High Schools Amendment Act, 1948*, and subsections 2, 3 and 4 of section 17 of *The High Schools Act*, are repealed.

Rev. Stat.,
c. 360, ss. 14,
16, s. 17,
subs. 2, 3, 4,
repealed.

7. Subsection 1 of section 21 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 21,
subs. 1,
re-enacted.

(1) The first appointment of trustees of a new board shall be made, and vacancies arising from the annual retirement of trustees shall be filled, at the

Time for
appointment of
trustees.

last regular meeting of the appointing body in the calendar year, and trustees shall take office on the 1st day of January in the following year.

Idem.

- (1a) Where the appointing body fails to appoint a trustee or trustees under subsection 1, it shall make the appointment at its next regular meeting.

Rev. Stat.,
c. 360, s. 23,
subs. 1,
amended.

8.—(1) Subsection 1 of section 23 of *The High Schools Act* is amended by striking out all the words after the word "duties" in the third line, so that the subsection shall read as follows:

Security to
be given by
treasurer and
secretary-
treasurer.

- (1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties.

Rev. Stat.,
c. 360, s. 23,
subs. 2,
re-enacted.

- (2) Subsection 2 of the said section 23 is repealed and the following substituted therefor:

Bank
account.

- (2) Every treasurer and secretary-treasurer shall open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and shall deposit to the credit of such account all money received by him on account of the board.

Rev. Stat.,
c. 360, s. 24,
cl. n,
re-enacted.

9. Clause *n* of section 24 of *The High Schools Act*, as amended by subsection 2 of section 6 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Appointment
and
removal of
teachers,
etc.
1946, c. 97.

- (n) subject to *The Teachers' Boards of Reference Act, 1946*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties.

Rev. Stat.,
c. 360, s. 25,
subs. 2
(1947,
c. 42, s. 6),
amended.

10. Subsection 2 of section 25 of *The High Schools Act*, as enacted by section 6 of *The High Schools Amendment Act, 1947*, is amended by striking out the words "provided that no such allowance shall be paid in respect of more than eight meetings in any year" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year", so that the subsection shall read as follows:

Mileage
allowance
and fee for
attendance
at meetings.

- (2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by

him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year.

11. Section 34a as enacted by section 10 of *The School Law Amendment Act, 1939*, and section 37 as amended by section 8 of *The School Law Amendment Act, 1941*, of *The High Schools Act* are repealed.

12. Section 42 of *The High Schools Act*, as re-enacted by section 3 of *The High Schools Amendment Act, 1947* (No. 2), is amended by striking out the word, figure and letter "or am." 8a" in the seventeenth line and inserting in lieu thereof the word, figures and letters "8a or 8aa", so that the section shall read as follows:

42. The council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the high school or high schools within the jurisdiction of the board;
- (b) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and
- (c) capital expenditures out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8, 8a or 8aa, as the case may be, of section 43.

13. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act, 1938*, section 10 of *The High Schools Amendment Act, 1946* and section 4 of *The High Schools Amendment Act, 1947* (No. 2), is further amended by adding thereto the following subsection:

- (8aa) Where a high school district comprises two or more adjoining municipalities or parts of two or more adjoining municipalities in a territorial district, each municipality shall be liable for such proportion

of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part, as the case may be, bears to the total assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Rev. Stat., c. 360, s. 44, subs. 3 (1940), c. 24, s. 2, subs. 3), repealed.

14. Subsection 3 of section 44 of *The High Schools Act*, as re-enacted by subsection 3 of section 2 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat., c. 360, s. 47, subs. 1, cl. a (1938, c. 35, s. 24, subs. 1), re-enacted.

15.—(1) Clause *a* of subsection 1 of section 47 of *The High Schools Act*, as re-enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

(*a*) a resident pupil of the high school district by the board of which the school is established or maintained.

Rev. Stat., c. 360, s. 47, subs. 1a (1938, c. 35, s. 24, subs. 1), re-enacted.

(2) Subsection 1*a* of the said section 47, as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938* and amended by section 11 of *The School Law Amendment Act, 1941* and subsection 1 of section 14 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor:

Fees payable by boards in certain cases.

(1*a*) Where a resident pupil of a high school district attends a high or continuation school under clause *b* of subsection 2 of section 48 or under subsection 3 of section 48, the board of the high school district of which he is a resident pupil shall pay fees to the board of the high or continuation school district whose school he attends, calculated in accordance with section 36, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

Rev. Stat., c. 360, s. 47, subs. 2, amended.

(3) Subsection 2 of the said section 47, as amended by subsection 2 of section 24 of *The School Law Amendment Act, 1938*, is further amended by adding at the end thereof the words "for the preceding calendar year", so that the subsection shall read as follows:

When fees may be charged.

(2) Pupils other than county pupils and the pupils referred to in subsections 1 and 1*a* attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than

the average cost per pupil for education in the high school for the preceding calendar year.

16. Section 48 of *The High Schools Act*, as amended by Rev. Stat., section 25 of *The School Law Amendment Act, 1938*, is repealed c. 360, s. 48, re-enacted, and the following substituted therefor:

- 48.—(1) A county pupil shall have the right to attend any high or continuation school in the county of which he is a county pupil. Right to attend schools,—
resident pupils in counties;
- (2) A resident pupil of a high school district in a county shall have the right to attend,—
resident pupils in counties;
- (a) a high school in the district of which he is a resident pupil; or
 - (b) any high or continuation school which is more accessible to the pupil than any high school in his own district or provides a course of study not offered in his own district, and which is situated,
 - (i) in his own county, outside of a city or separated town, or
 - (ii) in an adjoining county or in a city or separated town in his own or an adjoining county where the school is declared open to such pupils.
- (3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario which is more accessible to the pupil than any high school in his own school district or provides a course of study not offered in his own school district. resident pupils in territorial districts;
- (4) A non-resident pupil may attend any high school at the discretion of the board. non-resident pupils.
- (5) In this section “course of study” means subjects which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations. “Course of study” defined.

17. Subsection 1 of section 56 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 56, subs. 1, re-enacted.

- (1) A memorandum of every contract of employment between a board and a teacher shall be made in Memorandum of contract.

Proviso.

writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Salary of
teacher.

(1a) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year.

Commencement of Act.

18.—(1) This Act, except sections 15 and 16, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Sections 15 and 16 shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

19. This Act may be cited as *The High Schools Amendment Act, 1949.*

BILL

An Act to amend The High Schools Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Libraries Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The power to make agreements for the supply of library services is extended to library co-operatives, any township school area for which a public library has not been established, and to school boards or boards of education.

SECTION 2. This amendment is complementary to the amendments made by sections 17 and 18 of *The Municipal Amendment Act, 1947*, where references to the master in chambers were changed to the Master of the Supreme Court.

SECTION 3. The subsection is re-enacted to make it clear that the special levy is to be made only on the rateable property in the area for which the public library is established. In addition the present maximum of \$1.25 per capita of population as a basis of public library expenditure is removed, and it is now provided that the special rate must be sufficient to provide at least a sum amounting to fifty cents per capita of population in the area for which the library is established.

No. 147

1949

BILL

An Act to amend The Public Libraries Act.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Public Libraries Act* is repealed and Rev. Stat., c. 283, s. 12, re-enacted.
12. Subject to the regulations and to the approval of the Minister, any library co-operative or any municipality, police village, school section or township school area for which a public library has not been established, or any school board or board of education, may enter into an agreement with a public library board for securing library services. Agreements for library services.
2. Subsection 2 of section 22 of *The Public Libraries Act* Rev. Stat., c. 283, s. 22, subs. 2, amended. is amended by striking out the words "master in chambers" in the fourth and fifth lines and inserting in lieu thereof the words "Master of the Supreme Court", so that the subsection shall read as follows:
 - (2) On the complaint of any ratepayer of the municipality or police village or school section, or of the seat of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the Master of the Supreme Court shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. Proceeding to vacate the seat.
3. Subsection 1 of section 39 of *The Public Libraries Act*, Rev. Stat., c. 283, s. 39, re-enacted. as amended by section 8 of *The School Law Amendment Act*, subs. 1, re-enacted. 1944, is repealed and the following substituted therefor:
 - (1) Where a public library is established for a city, Annual rate. town, village, township, police village, township school area or school section, the council of the city,

town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, shall in addition to all other rates levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall in any event be sufficient to yield at least an amount equal to fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll.

Rev. Stat., c. 283, s. 73, subs. 2, cl. b, Libraries Act is amended by striking out the word "where" in the first line, so that the clause shall read as follows:

- (b) a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

Commencement of Act. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The Public Libraries Amendment Act, 1949.*

SECTION 4. This amendment corrects a typographical error.

An Act to amend The Public
Libraries Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1949

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Libraries Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 147

1949

BILL

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 12 of *The Public Libraries Act* is repealed and Rev. Stat., c. 283, s. 12, re-enacted. the following substituted therefor:
12. Subject to the regulations and to the approval of the Agreements for library services. Minister, any library co-operative or any municipality, police village, school section or township school area for which a public library has not been established, or any school board or board of education, may enter into an agreement with a public library board for securing library services.
2. Subsection 2 of section 22 of *The Public Libraries Act* Rev. Stat., c. 283, s. 22, sub. 2, amended. is amended by striking out the words "master in chambers" in the fourth and fifth lines and inserting in lieu thereof the words "Master of the Supreme Court", so that the subsection shall read as follows:
 - (2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the Master of the Supreme Court shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment.
3. Subsection 1 of section 39 of *The Public Libraries Act*, Rev. Stat., c. 283, s. 39, sub. 1, re-enacted. 1944, is repealed and the following substituted therefor:
 - (1) Where a public library is established for a city, Annual rate. town, village, township, police village, township school area or school section, the council of the city,

town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, shall in addition to all other rates levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall in any event be sufficient to yield at least an amount equal to fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll.

Rev. Stat., c. 283, s. 73, subs. 2, cl. b. **4.** Clause *b* of subsection 2 of section 73 of *The Public Libraries Act* is amended by striking out the word "where" amended. in the first line, so that the clause shall read as follows:

(b) a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

Commencement of Act. **5.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The Public Libraries Amendment Act, 1949.*

BILL

An Act to amend The Public
Libraries Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON,
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EXPLANATORY NOTES

SECTION 1. The provision limiting the number of meetings for which mileage allowance may be claimed is deleted, and in addition provision is made for payment of fees for meetings.

SECTION 2. The right of appeal from the report of the equalization commission in a metropolitan school area is enlarged to give an appeal to the Ontario Municipal Board.

No. 148

1949

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 14 of section 15 of *The Public Schools Act*, as Rev. Stat., c. 257, s. 15, enacted by section 12 of *The School Law Amendment Act*, subs. 14 (1941, c. 52, s. 12), is amended by striking out the words "provided that ^(1941, c. 52, s. 12) no such allowance shall be paid in respect of more than eight meetings in any year" in the sixth and seventh lines and inserting in lieu thereof the words "and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year", so that the subsection shall read as follows:

(14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year.

2. Subsection 17 of section 19 of *The Public Schools Act* is Rev. Stat., c. 357, s. 19, amended by striking out the words "and whose decision shall ^{be final} _{subs. 17;} ^{amended.}" in the fourth line and inserting in lieu thereof the words "and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge", so that the subsection shall read as follows:

(17) An appeal shall lie on behalf of any municipality Appeal. from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine such appeal, and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge.

Rev. Stat.,
c. 357, s. 39,
subs. 1,
amended.

3. Subsection 1 of section 39 of *The Public Schools Act*, as amended by subsection 1 of section 13 of *The School Law Amendment Act, 1941*, is further amended by striking out the words "after they have completed their respective assessments and" in the ninth and tenth lines, so that the subsection shall read as follows:

Assessors to
determine
proportion.

(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year.

Rev. Stat.,
c. 357,
amended.

4. *The Public Schools Act* is amended by adding thereto the following heading and section:

MAINTAINCE OF SCHOOLS IN TOWNSHIP SCHOOL AREAS

Assessors to
determine
proportion..

39a.—(1) Where a township school area consists of more than one municipality or parts thereof, the provisions of section 39 shall apply *mutatis mutandis*, except that the meeting of the assessors shall be called by the assessor of the municipality having the largest population within the township school area according to the last revised assessment rolls.

Arbitration
where
assessors
disagree.

(2) Where the assessors disagree, the inspector of the township school area and the assessors shall be arbitrators to determine the matter.

Rev. Stat.,
c. 357, s. 44,
subs. 4,
amended.

5.—(1) Subsection 4 of section 44 of *The Public Schools Act* is amended by striking out the figure and words "1st day of June" in the second line and inserting in lieu thereof the figures and words "30th day of September", so that the subsection shall read as follows:

SECTION 3. The present wording of the subsection conflicts with the requirements of section 59 of *The Assessment Act*. Assessors could not complete their assessments in time to comply with the present wording of the subsection.

SECTION 4. The amendment provides a method of equalizing annual maintenance costs in the case of a township school area comprising more than one municipality.

SECTION 5—Subsection 1. This amendment makes the date of the return of the assessment roll for a school section in unorganized territory the same as the date for the return of municipal assessment rolls.

Subsection 2. *The Assessment Act* provides for appeal to the Ontario Municipal Board, and the amendment is to give school taxpayers in unorganized townships the same rights of appeal as municipal taxpayers.

SECTION 6. The amendment brings the subsection into conformity with section 129 of *The Assessment Act*.

SECTION 7. *The Teachers' Boards of Reference Act* was re-enacted in 1946 and the power given to public school boards in this clause is now made subject to the whole of that Act.

(4) The assessor shall return the assessment roll to the ^{Return of roll.} secretary not later than the 30th day of September of the year in which the assessment is made.

(2) Subsection 8a of the said section 44, as enacted by subsection 1 of section 14 of *The School Law Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 44,
subs. 8a
(1941,
c. 52, s. 14,
subs. 1),
re-enacted.

(8a) An appeal to the district judge shall lie at the ^{Appeals.} instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 76 to 87, except section 82, of *The Assessment Act* shall apply ^{Rev. Stat., c. 272.} *mutatis mutandis* to every such appeal.

6. Subsection 3 of section 47 of *The Public Schools Act* is amended by striking out the figure and words "1st day of June" in the first line and inserting in lieu thereof the figure and words "8th day of April", so that the subsection shall read as follows:

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

7. Clause bb of section 89 of *The Public Schools Act*, as enacted by section 11 of *The School Law Amendment Act, 1943*, is amended by striking out the words and figures "sub-section 2 of section 3 of" in the first and second lines and by inserting after the word "Act" in the second line the figures "1946", so that the clause shall read as follows:

(bb) subject to the provisions of *The Teachers' Boards of Reference Act, 1946*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their <sup>Appoint
ment and
removal of
teachers.
1946,
c. 97.</sup> duties.

Rev. Stat., c. 357, s. 96, subs. 3, re-enacted. **8.** Subsection 3 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Duties.

(3) The treasurer shall,—

- (a) receive all school moneys and account for the same;
- (b) open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and deposit to the credit of such account all money received by him on account of the board;
- (c) disburse all moneys as directed by the board;
- (d) produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board.

Rev. Stat., c. 357, s. 106, subs. 1, re-enacted. **9.** Subsection 1 of section 106 of *The Public Schools Act* is repealed and the following substituted therefor:

Memorandum of contract.

- (1) A memorandum of every contract of employment between a board and a teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Rev. Stat., c. 357, s. 112, subs. 4, amended.

10. Subsection 4 of section 112 of *The Public Schools Act* is amended by inserting after the word "townships" in the second line the words "or of a township school area consisting of more than one township or parts thereof" and by adding at the end thereof the words "or 39a, as the case may be", so that the subsection shall read as follows:

Township grants to union school sections.

- (4) In the case of a union school section formed of parts of townships or of a township school area consisting of more than one township or parts thereof, the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 39 or 39a, as the case may be.

SECTION 8. The duty set out in clause *b* of the re-enacted subsection is new.

SECTION 9. The requirement that agreements between teachers and boards be written has led to the belief that the ordinary principles of contract do not apply, and even after an offer and acceptance both teachers and boards have felt they were not bound so long as no written contract had been executed. This amendment clarifies the position in such cases.

SECTION 10. The subsection is amended to provide for the apportionment of the moneys required for township grants towards teachers' salaries where a township school area comprises two or more townships or parts thereof.

11. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

12. This Act may be cited as *The Public Schools Amendment Act, 1949.* Short title.

BILL

An Act to amend The Public Schools Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 14 of section 15 of *The Public Schools Act*, as Rev. Stat., c. 357, s. 15, enacted by section 12 of *The School Law Amendment Act*, subs. 14 (1941), is amended by striking out the words "provided that s. 12, (1941), c. 52, no such allowance shall be paid in respect of more than eight meetings in any year" in the sixth and seventh lines and inserting in lieu thereof the words "and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year", so that the subsection shall read as follows:

(14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year. Mileage allowance.

2. Subsection 17 of section 19 of *The Public Schools Act* is Rev. Stat., c. 357, s. 19, amended by striking out the words "and whose decision shall subs. 17, be final" in the fourth line and inserting in lieu thereof the amended. words "and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge", so that the subsection shall read as follows:

(17) An appeal shall lie on behalf of any municipality Appeal. from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine such appeal, and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge.

Rev. Stat.,
c. 357, s. 39,
subs. 1,
amended.

3. Subsection 1 of section 39 of *The Public Schools Act*, as amended by subsection 1 of section 13 of *The School Law Amendment Act, 1941*, is further amended by striking out the words "after they have completed their respective assessments and" in the ninth and tenth lines, so that the subsection shall read as follows:

Assessors to
determine
proportion.

(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year.

Rev. Stat.,
c. 357,
amended.

4. *The Public Schools Act* is amended by adding thereto the following heading and section:

MAINTENANCE OF SCHOOLS IN TOWNSHIP SCHOOL AREAS

Assessors to
determine
proportion.

39a.—(1) Where a township school area consists of more than one municipality or parts thereof, the provisions of section 39 shall apply *mutatis mutandis*, except that the meeting of the assessors shall be called by the assessor of the municipality having the largest population within the township school area according to the last revised assessment rolls.

Arbitration
where
assessors
disagree.

(2) Where the assessors disagree, the inspector of the township school area and the assessors shall be arbitrators to determine the matter.

Rev. Stat.,
c. 357, s. 44,
subs. 4,
amended.

5.—(1) Subsection 4 of section 44 of *The Public Schools Act* is amended by striking out the figure and words "1st day of June" in the second line and inserting in lieu thereof the figures and words "30th day of September", so that the subsection shall read as follows:

(4) The assessor shall return the assessment roll to the ^{Return of roll.} secretary not later than the 30th day of September of the year in which the assessment is made.

(2) Subsection 8a of the said section 44, as enacted by Rev. Stat., c. 357, s. 44, subsection 1 of section 14 of *The School Law Amendment Act*, (1941), subs. 8a, 1941, is repealed and the following substituted therefor: c. 52, s. 14, subs. 1), re-enacted.

(8a) An appeal to the district judge shall lie at the Appeals instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 76 to 87, except section 82, of *The Assessment Act* shall apply ^{Rev. Stat., c. 272.} *mutatis mutandis* to every such appeal.

6. Subsection 3 of section 47 of *The Public Schools Act* is Rev. Stat., c. 357, s. 47, amended by striking out the figure and words "1st day of June" in the first line and inserting in lieu thereof the figure and words "8th day of April", so that the subsection shall read as follows:

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

7. Clause bb of section 89 of *The Public Schools Act*, as Rev. Stat., c. 357, s. 89, enacted by section 11 of *The School Law Amendment Act*, cl. bb (1943), c. 26, s. 11, is amended by striking out the words and figures "sub-amended. section 2 of section 3 of" in the first and second lines and by inserting after the word "Act" in the second line the figures "1946", so that the clause shall read as follows:

(bb) subject to the provisions of *The Teachers' Boards of Reference Act*, 1946, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties.

Rev. Stat.,
c. 357, s. 96,
subs. 3,
re-enacted. **8.** Subsection 3 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Duties.

(3) The treasurer shall,—

- (a) receive all school moneys and account for the same;
- (b) open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and deposit to the credit of such account all money received by him on account of the board;
- (c) disburse all moneys as directed by the board;
- (d) produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board.

Rev. Stat.,
c. 357, s. 106,
subs. 1,
re-enacted. **9.** Subsection 1 of section 106 of *The Public Schools Act* is repealed and the following substituted therefor:

Memoran-
dum of
contract.

- (1) A memorandum of every contract of employment between a board and a teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Rev. Stat.,
c. 357, s. 112,
subs. 4,
amended. **10.** Subsection 4 of section 112 of *The Public Schools Act* is amended by inserting after the word "townships" in the second line the words "or of a township school area consisting of more than one township or parts thereof" and by adding at the end thereof the words "or 39a, as the case may be", so that the subsection shall read as follows:

Township
grants to
union school
sections.

- (4) In the case of a union school section formed of parts of townships or of a township school area consisting of more than one township or parts thereof, the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 39 or 39a, as the case may be.

11. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

12. This Act may be cited as *The Public Schools Amendment Act, 1949.* Short title.

BILL

An Act to amend The Public Schools Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Separate Schools Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This requirement is added to the duties of the treasurer of a separate school board presently set out in section 30 of *The Separate Schools Act*.

SECTION 2. The words deleted provide for a list of persons rated for income tax in the municipality. As municipalities no longer have power to levy income tax, the words deleted are no longer applicable.

SECTIONS 3 and 4. These amendments are to bring the Act into conformity with *The Assessment Act* which provides for appeals from the decision of a judge or court of revision.

No. 149

1949

BILL

An Act to amend The Separate Schools Act.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Separate Schools Act* is amended by Rev. Stat.,
adding thereto the following clause: c. 362, s. 30,
amended.

(d) open an account in the name of the board in a chartered bank or in such other place of deposit as may as approved by the board and deposit to the credit of such account all money received by him on account of the board.

2. Subsection 10 of section 38 of *The Separate Schools Act* Rev. Stat.,
is amended by striking out the words "and also a list of the c. 362, s. 38,
names, alphabetically arranged, of all ratepayers and persons
entitled to vote in respect of income rated upon the then last
revised assessment roll and not being already upon the voters'
list" in the fifth, sixth, seventh and eighth lines thereof, so
that the subsection shall read as follows:

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics.

3. Subsection 2 of section 62 of *The Separate Schools Act* Rev. Stat.,
is amended by striking out the word "or" where it occurs the c. 362, s. 62,
first time in the seventh line and by inserting after the word
"court" in the eighth line the words "by the Ontario Municipal
Board or by the Court of Appeal", so that the subsection
shall read as follows:

(2) The clerk shall enter opposite the name, in a column Entries.
for that purpose, the date on which the notice was
received, and in a third column opposite the name
any notice by such person of withdrawal from sup-

porting a separate school, as provided by section 61, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of such disallowance.

Rev. Stat.,
c. 362, s. 63,
subs. 1,
amended.

4. Subsection 1 of section 63 of *The Separate Schools Act* is amended by striking out the words "or of a judge on appeal" in the ninth line and inserting in lieu thereof the words "a judge, the Ontario Municipal Board or the Court of Appeal on appeal", so that the subsection shall read as follows:

Correction
of mistakes
in assessing.

(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

Rev. Stat.,
c. 362, s. 70,
subs. 1,
amended.

5. Subsection 1 of section 70 of *The Separate Schools Act* is amended by striking out the word "August" in the second line and inserting in lieu thereof the word "February", so that the subsection shall read as follows:

Collection
of separate
school rates
by the munici-
pality.

(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Commencement
of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Separate Schools Amendment Act, 1949.*

SECTION 5. Municipalities formerly assessed early in the year and collected taxes in the fall of the same year. Under subsection 1 of section 59 of *The Assessment Act*, all municipalities must now assess in one year and collect taxes the following year. Tax collections are therefore made much earlier in the year than formerly, and August would be too late to permit the municipality to arrange for the collection.

An Act to amend The Separate
Schools Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Separate Schools Act.

MR. PORTER.

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 149

1949

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Separate Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 362, s. 30, amended.

(d) open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board and deposit to the credit of such account all money received by him on account of the board.

2. Subsection 10 of section 38 of *The Separate Schools Act* is amended by striking out the words "and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list" in the fifth, sixth, seventh and eighth lines, so that the subsection shall read as follows: Rev. Stat., c. 362, s. 38, subs. 10, amended.

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics. Furnishing voters' list in cities and towns divided into wards.

3. Subsection 2 of section 62 of *The Separate Schools Act* is amended by striking out the word "or" where it occurs the first time in the seventh line and by inserting after the word "court" in the eighth line the words "by the Ontario Municipal Board or by the Court of Appeal", so that the subsection shall read as follows: Rev. Stat., c. 362, s. 62, subs. 2, amended.

(2) The clerk shall enter opposite the name, in a column Entries. for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from sup-

porting a separate school, as provided by section 61, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of such disallowance.

Rev. Stat., c. 362, s. 63, subs. 1, amended. **4.** Subsection 1 of section 63 of *The Separate Schools Act* is amended by striking out the words "or of a judge on appeal" in the ninth line and inserting in lieu thereof the words "a judge, the Ontario Municipal Board or the Court of Appeal on appeal", so that the subsection shall read as follows:

Correction of mistakes in assessing.

(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

Rev. Stat., c. 362, s. 70, subs. 1, amended.

5. Subsection 1 of section 70 of *The Separate Schools Act* is amended by striking out the word "August" in the second line and inserting in lieu thereof the word "February", so that the subsection shall read as follows:

Collection of separate school rates by the municipality.

(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Commencement of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Separate Schools Amendment Act, 1949.*

BILL

An Act to amend The Separate
Schools Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Teachers' Boards of Reference Act, 1946.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. If the Minister directs the continuance of the contract for a period of less than a year, as he may do under the present provision, the question arises as to whether or not the teacher is automatically dismissed at the end of that period. The amendment deletes the modifying clause so that the contract will remain in force and be renewed from year to year until terminated in accordance with its terms.

SECTION 2—Subsection 1. See note to section 1 of the Bill.

Subsection 2. Subsection 2 is new. It complements subsection 1 by providing for the opposite result.

No. 150

1949

BILL

An Act to amend The Teachers' Boards of Reference Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 4 of *The Teachers' Boards of Reference Act, 1946*, c. 97, s. 4, subs. 1, is amended by striking out the cl. *a.* words "for a period not exceeding one year" in the second and third lines, so that the clause shall read as follows:

(a) direct the continuance in force of the contract of employment between the board and the teacher; or

.

2.—(1) Section 8 of *The Teachers' Boards of Reference Act, 1946*, c. 97, s. 8, is amended by striking out the words "for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable" in the fourth, fifth and sixth lines, so that subsection 1 of the section shall read as follows:

(1) Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract.

(2) The said section 8 is further amended by adding thereto the following subsection:

(2) Where the report of the board of reference recommends the discontinuance of the contract of employment, the Minister shall direct that the contract be discontinued at the end of such period as the board of reference has recommended or as the Minister deems advisable.

Commence-
ment of Act. **3.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Teachers' Boards of Reference Amendment Act, 1949.*

BILL

An Act to amend The Teachers' Boards
of Reference Act, 1946.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

1949

No. 150

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Teachers' Boards of Reference Act, 1946.

MR. PORTER

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No. 150

1949

BILL

An Act to amend The Teachers' Boards of Reference Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 4 of *The Teachers' Boards of Reference Act, 1946*, c. 97, s. 4, subs. 1, is amended by striking out the words "for a period not exceeding one year" in the second and third lines, so that the clause shall read as follows:

- (a) direct the continuance in force of the contract of employment between the board and the teacher; or
-

2.—(1) Section 8 of *The Teachers' Boards of Reference Act, 1946*, c. 97, s. 8, is amended by striking out the words "for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable" in the fourth, fifth and sixth lines, so that subsection 1 of the section shall read as follows:

(1) Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract.

(2) The said section 8 is further amended by adding thereto the following subsection:

(2) Where the report of the board of reference recommends the discontinuance of the contract of employment, the Minister shall direct that the contract be discontinued at the end of such period as the board of reference has recommended or as the Minister deems advisable.

Commence-
ment of Act. **3.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Teachers' Boards of Reference Amendment Act, 1949.*

BILL

An Act to amend The Teachers' Boards
of Reference Act, 1946.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

No. 151

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An' Act to amend The School Sites Act.

M R. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The board of education of a town is given the same right as the board of education of a city to acquire land in a township for a school site where such land adjoins a boundary between the town and the township.

SECTION 2. The only substantive change involved in the re-enactment of this section is that a board in any city or town is given power to acquire land in an adjacent municipality under the circumstances set out. Formerly the power was limited to boards of a city having a population of 50,000 or more.

No. 151

1949

BILL

An Act to amend The School Sites Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The School Sites Act*, as Rev. Stat., c. 370, s. 5, amended by section 1 of *The School Sites Amendment Act*, subs. 2, 1948, is further amended by inserting after the word "city" amended. where it occurs in the first and fourth lines respectively the words "or town", so that the subsection shall read as follows:

(2) The board of education for a city or town may acquire by purchase or otherwise, or may appropriate land in a township for the purposes of a school site where such land adjoins a boundary between the city or town and the township. Acquiring land in township adjoining city.

2. Section 6 of *The School Sites Act*, as amended by section 7 Rev. Stat., c. 370, s. 6, of *The School Law Amendment Act*, 1940, is repealed and the re-enacted. following substituted therefor:

6.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town. Acquiring land outside city or town for future school sites.

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situate. Assessment and taxation.

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town. Expropriation not authorized.

(4) Where a board has acquired land in another municipality—Power to dispose of sites so acquired.

pality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient.

Commencement of Act. **3.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The School Sites Amendment Act, 1949.*

BILL

An Act to amend The School Sites Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. PORTER

No. 151

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The School Sites Act.

MR. PORTER

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 151

1949

BILL

An Act to amend The School Sites Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The School Sites Act*, as Rev. Stat., c. 370, s. 5, amended by section 1 of *The School Sites Amendment Act*, subs. 2, 1948, is further amended by inserting after the word "city" amended. where it occurs in the first and fourth lines respectively the words "or town", so that the subsection shall read as follows:

(2) The board of education for a city or town may acquire by purchase or otherwise, or may appropriate land in a township for the purposes of a school site where such land adjoins a boundary between the city or town and the township.

2. Section 6 of *The School Sites Act*, as amended by section 7 Rev. Stat., c. 370, s. 6, of *The School Law Amendment Act*, 1940, is repealed and the re-enacted. following substituted therefor:

6.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.

(2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situate.

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

(4) Where a board has acquired land in another municipality Power to dispose of sites so acquired.

pality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient.

Commencement of Act. **3.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The School Sites Amendment Act, 1949.*

An Act to amend The School Sites Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. PORTER

No. 152

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Change of Name Act, 1948.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

This amendment authorizes the judge to dispense with the consent, in the circumstances mentioned, of the other parent where an application is made by a divorced person for a change of the names of his or her unmarried infant children of whom he or she has lawful custody.

No. 152

1949

BILL

An Act to amend The Change of Name Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 9 of *The Change of Name Act, 1948*, c. 9, ^{s. 9, subs. 2, amended.} is amended by striking out all the words after the word “application” where it occurs the first time in the fifth line, so that the subsection shall read as follows:

(2) Where, on an application, the consent of any person ^{Consent of other parent} is required under subsection 3 or 4 of section 6, or husband. section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application.

(2) The said section 9 is further amended by adding ^{1948, c. 9, s. 9, amended.} thereto the following subsection:

(3) Notwithstanding subsection 2, where the judge is ^{Dispensing with consent.} satisfied that the other parent in the case of an application under section 6, or the husband in the case of an application under section 8, does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any other reason is a person whose consent ought to be dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his absence and without his consent.

2. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

3. This Act may be cited as *The Change of Name Amendment Act, 1949.* ^{Short title.}

BILL

An Act to amend
The Change of Name Act, 1948.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Change of Name Act, 1948.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 152

1949

BILL

An Act to amend The Change of Name Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 9 of *The Change of Name Act, 1948*, c. 9, s. 9, subs. 2, is amended by striking out all the words after the word “application” where it occurs the first time in the fifth line, so that the subsection shall read as follows:

(2) Where, on an application, the consent of any person is required under subsection 3 or 4 of section 6, section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application.

(2) The said section 9 is further amended by adding thereto the following subsection:

(3) Notwithstanding subsection 2, where the judge is satisfied that the other parent in the case of an application under section 6, or the husband in the case of an application under section 8, does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any other reason is a person whose consent ought to be dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his absence and without his consent.

2. This Act shall come into force on the day it receives Royal Assent.

3. This Act may be cited as *The Change of Name Amendment Act, 1949*.

BILL

An Act to amend
The Change of Name Act, 1948.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to provide for the Consolidation of the Regulations filed under
The Regulations Act, 1944.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

This Bill authorizes a revision and consolidation of the regulations filed under *The Regulations Act, 1944*, to be known as the "Consolidated Regulations of Ontario, 1950".

No. 153

1949

BILL

An Act to provide for the Consolidation of the Regulations filed under *The Regulations Act, 1944.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Robert Wherry, one of His Majesty's Counsel, and Donald Worthington Rose, a member of the Bar of Ontario, Registrar of Regulations and Assistant Registrar of Regulations respectively, or such other person or persons as the Lieutenant-Governor in Council may designate, are hereby appointed commissioners to consolidate and revise in accordance with this Act to the end of the year 1950 the regulations filed under *The Regulations Act, 1944.*

1944, c. 52.

2. The commissioners may alter the numbering and arrangement of the regulations and of any part thereof, and may make such alterations in their language as are requisite to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority making or approving the regulations or to reconcile seemingly inconsistent regulations, or to correct clerical, grammatical or typographical errors.

3. As soon as the commissioners report the completion of the consolidation and revision the Lieutenant-Governor may cause a printed Roll thereof, attested by his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Executive Council.

Printed Roll
to be de-
posited with
Clerk of
Executive
Council.

4.—(1) There may be appended to the Roll,—

Schedules.

- (a) a schedule marked "Schedule A" showing the regulations filed under *The Regulations Act, 1944*, contained in the Consolidated Regulations of Ontario, 1950; and
- (b) a schedule marked "Schedule B" showing the regulations and parts of regulations that are revoked,

superseded and consolidated in the Consolidated Regulations of Ontario, 1950.

Effect of insertion of a regulation in schedules.

(2) The insertion of any regulation in the schedules or either of them shall not be construed as a declaration that the regulations or any part thereof was or was not in force immediately before the coming into force of the Consolidated Regulations of Ontario, 1950.

Proclamation.

5.—(1) After the deposit of the Roll it shall come into force and have effect by the designation "Consolidated Regulations of Ontario, 1950", on a day to be named by the Lieutenant-Governor by his Proclamation.

Effect.

(2) On and after the day named in subsection 1 the several regulations in Schedule A of the Roll shall be revoked.

Reference to revoked regulations in instruments or documents.

6. Any reference in any instrument or document to any regulations revoked and consolidated shall, after the Consolidated Regulations of Ontario, 1950, come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

Copies printed by King's Printer to be evidence.

7. Copies of the Consolidated Regulations of Ontario, 1950, as printed by the King's Printer shall be received as evidence of the Consolidated Regulations in all courts and places whatsoever.

As to distribution of copies.

8. The Consolidated Regulations of Ontario, 1950, shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council may order.

This Act to be printed with Consolidated Regulations.

9. This Act shall be printed with the Consolidated Regulations of Ontario, 1950, and shall be subject to the same rules of construction as the Revised Statutes of Ontario, 1950.

How regulations may be cited.

10. Any regulations of the Consolidated Regulations of Ontario, 1950, may be cited and referred to in any Act, regulation or proceeding, by the expression "Consolidated Regulations of Ontario, 1950, Regulations _____", adding the number of the particular regulations in the copies printed by the King's Printer.

Amending, altering or revoking regulations after consolidation.

11. The Consolidated Regulations of Ontario, 1950, may be amended, altered or revoked from time to time and others made by the authority under the Act under which the regulations were made before the consolidation and revision, or otherwise according to law.

Short title.

12. This Act may be cited as *The Regulations Consolidation Act, 1949.*

BILL

An Act to provide for the Consolidation of
the Regulations filed under *The Regulations*
Act, 1944.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to provide for the Consolidation of the Regulations filed under
The Regulations Act, 1944.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 153

1949

BILL

An Act to provide for the Consolidation of the Regulations filed under The Regulations Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Robert Wherry, one of His Majesty's Counsel, and Donald Worthington Rose, a member of the Bar of Ontario, Registrar of Regulations and Assistant Registrar of Regulations respectively, or such other person or persons as the Lieutenant-Governor in Council may designate, are hereby appointed commissioners to consolidate and revise in accordance with this Act to the end of the year 1950 the regulations filed under *The Regulations Act, 1944*. 1944, c. 52.

2. The commissioners may alter the numbering and arrangement of the regulations and of any part thereof, and may make such alterations in their language as are requisite to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority making or approving the regulations or to reconcile seemingly inconsistent regulations, or to correct clerical, grammatical or typographical errors.

3. As soon as the commissioners report the completion of the consolidation and revision the Lieutenant-Governor may cause a printed Roll thereof, attested by his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Executive Council.

4.—(1) There may be appended to the Roll,—

Schedules

(a) a schedule marked "Schedule A" showing the regulations filed under *The Regulations Act, 1944*, contained in the Consolidated Regulations of Ontario, 1950; and

(b) a schedule marked "Schedule B" showing the regulations and parts of regulations that are revoked,

superseded and consolidated in the Consolidated Regulations of Ontario, 1950.

Effect of insertion of a regulation in schedules.

(2) The insertion of any regulation in the schedules or either of them shall not be construed as a declaration that the regulations or any part thereof was or was not in force immediately before the coming into force of the Consolidated Regulations of Ontario, 1950.

Proclamation.

5.—(1) After the deposit of the Roll it shall come into force and have effect by the designation "Consolidated Regulations of Ontario, 1950", on a day to be named by the Lieutenant-Governor by his Proclamation.

Effect.

(2) On and after the day named in subsection 1 the several regulations in Schedule A of the Roll shall be revoked.

Reference to revoked regulations in instruments or documents.

6. Any reference in any instrument or document to any regulations revoked and consolidated shall, after the Consolidated Regulations of Ontario, 1950, come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

Copies printed by King's Printer to be evidence.

7. Copies of the Consolidated Regulations of Ontario, 1950, as printed by the King's Printer shall be received as evidence of the Consolidated Regulations in all courts and places whatsoever.

As to distribution of copies.

8. The Consolidated Regulations of Ontario, 1950, shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council may order.

This Act to be printed with Consolidated Regulations.

9. This Act shall be printed with the Consolidated Regulations of Ontario, 1950, and shall be subject to the same rules of construction as the Revised Statutes of Ontario, 1950.

How regulations may be cited.

10. Any regulations of the Consolidated Regulations of Ontario, 1950, may be cited and referred to in any Act, regulation or proceeding, by the expression "Consolidated Regulations of Ontario, 1950, Regulations", adding the number of the particular regulations in the copies printed by the King's Printer.

Amending, altering or revoking regulations after consolidation.

11. The Consolidated Regulations of Ontario, 1950, may be amended, altered or revoked from time to time and others made by the authority under the Act under which the regulations were made before the consolidation and revision, or otherwise according to law.

Short title.

12. This Act may be cited as *The Regulations Consolidation Act, 1949.*

An Act to provide for the Consolidation of
the Regulations filed under The Regulations
Act, 1944.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The definition of "fraternal society" is extended by adding accident or sickness insurance as some fraternal societies sell such types of insurance.

SECTION 2. At present subsection 5 of section 76 of the Act authorizes any insurer licensed for the transaction of life insurance to invest in moderate cost rental housing under *The National Housing Act, 1944* up to five per centum of its total assets in Canada. This was designed to enable extra-provincial and Dominion life insurance companies licensed in Ontario to so invest without taking out a license in mortmain.

The subsection is re-enacted to correspond with amendments being made this session to *The Companies Act*.

Subsection 6 of section 76 is added so as to conform with amendments being made this session to *The Companies Act*. The effect will be to relieve extra-provincial and Dominion insurance companies licensed in Ontario from the necessity of having licenses in mortmain.

SECTION 3. See note to section 1 of this Bill.

No. 154

1949

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 24 of section 1 of *The Insurance Act* is amended Rev. Stat., by inserting after the word "life" in the fourth line the words c. 256, s. 1, cl. 24, "accident or sickness", so that the clause shall read as follows: ^{amended.}
24. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act. ^{"Fraternal society".}
2. Subsection 5 of section 76 of *The Insurance Act*, as enacted by section 1 of *The Insurance Amendment Act, 1945*, (1945, 2nd Sess., c. 3, s. 1), is repealed and the following substituted therefor: ^{Rev. Stat., c. 256, s. 76, subs. 5, re-enacted.}
- (5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1944* (Canada), or any amendments thereto. ^{Life insurance companies, investment of funds in housing projects.}
- (6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 2*a* of section 300 of *The Companies Act*. ^{Licensed insurers, investment in real estate.}
3. Clause 9 of section 128 of *The Insurance Act* is amended Rev. Stat., by inserting after the word "life" in the fourth line the words c. 256, s. 128, "accident or sickness", so that the clause shall read as follows: ^{cl. 9, amended.}

"Fraternal society".

9. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act.

*Rev. Stat.,
c. 256, s. 228,
subs. 1,
amended.* 4. Subsection 1 of section 228 of *The Insurance Act* is amended by striking out the word "life" in the third line, so that the subsection shall read as follows:

*Application
of Part.*

(1) Subject to the provisions of subsection 2, this Part shall apply to all fraternal societies carrying on the business of insurance in Ontario.

*Rev. Stat.,
c. 256, s. 26)
subs. 1, cl. c,
amended.* 5. Clause *c* of subsection 1 of section 260 of *The Insurance Act* is amended by striking out the symbol and figure "\$12" in the second line and inserting in lieu thereof the symbol and figures "\$18" and by striking out the symbol and figures "\$250" in the fourth line and inserting in lieu thereof the symbol and figures "\$300", so that the clause shall read as follows:

(c) if it contracts for sick benefits for an amount in excess of \$18 per week exclusive of hospital benefits not exceeding public ward rates or for a funeral benefit in excess of \$300.

Short title.

6. This Act may be cited as *The Insurance Amendment Act, 1949.*

SECTION 4. The word "life" is no longer appropriate. See note to section 1 of this Bill.

SECTION 5. Mutual benefit societies may not be licensed if, among other matters, they contract for sick benefits for an amount in excess of \$12 per week exclusive of hospital benefits not exceeding public ward rates or for a funeral benefit in excess of \$250.

The Bill increases the permissible sick benefits to \$18 per week and the funeral benefit to \$300 to allow for the increased cost of these items.

An Act to amend The Insurance Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1949

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 154

1949

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 24 of section 1 of *The Insurance Act* is amended ^{Rev. Stat., c. 256, s. 1, cl. 24, amended.} by inserting after the word "life" in the fourth line the words "accident or sickness", so that the clause shall read as follows:

24. "Fraternal society". means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act.

2. Subsection 5 of section 76 of *The Insurance Act*, as enacted by section 1 of *The Insurance Amendment Act, 1945*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 256, s. 76, subs. 5 (1945), 2nd Sess., c. 3, s. 1, re-enacted.}

(5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1944* (Canada), or any amendments thereto. ^{Life insurance companies—investment of funds in housing projects.}

(6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 2*a* of section 300 of *The Companies Act*. ^{Licensed insurers—investment in real estate.}

3. Clause 9 of section 128 of *The Insurance Act* is amended ^{Rev. Stat., c. 256, s. 128, cl. 9, amended.} by inserting after the word "life" in the fourth line the words "accident or sickness", so that the clause shall read as follows:

"Fraternal society".

9. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act.

*Rev. Stat.,
c. 256, s. 228,
subs. 1,
amended.* 4. Subsection 1 of section 228 of *The Insurance Act* is amended by striking out the word "life" in the third line, so that the subsection shall read as follows:

*Application
of Part.*

(1) Subject to the provisions of subsection 2, this Part shall apply to all fraternal societies carrying on the business of insurance in Ontario.

*Rev. Stat.,
c. 256, s. 260,
subs. 1, cl. c,
amended.* 5. Clause *c* of subsection 1 of section 260 of *The Insurance Act* is amended by striking out the symbol and figure "\$12" in the second line and inserting in lieu thereof the symbol and figures "\$18" and by striking out the symbol and figures "\$250" in the fourth line and inserting in lieu thereof the symbol and figures "\$300", so that the clause shall read as follows:

(c) if it contracts for sick benefits for an amount in excess of \$18 per week exclusive of hospital benefits not exceeding public ward rates or for a funeral benefit in excess of \$300.

Short title.

6. This Act may be cited as *The Insurance Amendment Act, 1949.*

BILL

An Act to amend The Insurance Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Companies Act (No. 2).

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTES

SECTION 1—Subsection 1. In 1948 the relevant Dominion statutes were amended by Parliament to extend the investment and loaning powers of insurance companies incorporated under Dominion authority.

This section of the Bill gives similar investment and loaning powers to insurance companies incorporated under provincial authority.

No. 155

1949

BILL

An Act to amend The Companies Act (No. 2).

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Section 300 of *The Companies Act* is amended by Rev. Stat.,
c. 251, s. 300,
adding thereto the following subsection:
amended.

(2a) A joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section, including investments in real estate or leaseholds, subject to the following provisions:

(a) Investments in real estate or leasehold spursuant to this subsection shall be made only for the production of income, and may be made by the company in Ontario or elsewhere where the company is carrying on business, alone or jointly with any other company, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of one per centum of the book value of the total assets of the company.

(b) This subsection shall be deemed not to enlarge the authority conferred by subsection 1 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds.

(c) The total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not

exceed three per centum of the book value of the total assets of the company.

Rev. Stat., c. 251, s. 300, subs. 10, amended. (2) Subsection 10 of the said section 300 is amended by inserting after the word "companies" in the second line the words "fraternal societies", so that the subsection shall read as follows:

Meaning of "insurer".

Rev. Stat., c. 165.

Rev. Stat., c. 251, s. 300^a (1945), 2nd Sess., c. 2, s. 2), re-enacted.

Investment of funds in housing projects.

1944-45, c. 46 (Can.).

Short title.

(10) "Insurer" in subsection 1 shall be deemed to mean and include only joint stock insurance companies, fraternal societies and cash-mutual insurance corporations; all other insurers may invest their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds.

2. Section 300a of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1945*, is repealed and the following substituted therefor:

300a. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may, in addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944 (Canada)*, or any amendments thereto, invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in any other classes or types of investments pursuant to the said *National Housing Act*, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

3. This Act may be cited as *The Companies Amendment Act, 1949 (No. 2)*.

Subsection 2. At the present time fraternal societies incorporated under provincial authority may invest only in securities in which trustees may invest trust funds under *The Trustee Act*.

The effect of the amendment will be to give provincial fraternal societies the same powers of investment as provincial insurance companies except those mentioned in section 1 of this Bill.

SECTION 2. Under the present section 300a provincial life insurance companies may invest up to five per centum of their total assets in the purchase of land and the construction thereon of housing projects under *The National Housing Act, 1944*. However, that Act permits life insurance companies incorporated under Dominion authority to invest in the other types of investment mentioned in that Act.

The section is re-enacted in order to bring provincial insurers into line with Dominion insurers.

An Act to amend The Companies Act
(No. 2).

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1949

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Companies Act (No. 2).

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 155

1949

BILL

An Act to amend The Companies Act (No. 2).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 300 of *The Companies Act* is amended by Rev. Stat.
c. 251, s. 300,
adding thereto the following subsection: amended.

(2a) A joint stock insurance company or a cash-mutual Investments and loans. insurance corporation may make investments or loans not hereinbefore authorized by this section, including investments in real estate or leaseholds, subject to the following provisions:

- (a) Investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the company in Ontario or elsewhere where the company is carrying on business, alone or jointly with any other company, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of one per centum of the book value of the total assets of the company.
- (b) This subsection shall be deemed not to enlarge the authority conferred by subsection 1 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds.
- (c) The total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not

exceed three per centum of the book value of the total assets of the company.

Rev. Stat., c. 251, s. 300, subs. 10, amended. (2) Subsection 10 of the said section 300 is amended by inserting after the word "companies" in the second line the words "fraternal societies", so that the subsection shall read as follows:

Meaning of "insurer".

(10) "Insurer" in subsection 1 shall be deemed to mean and include only joint stock insurance companies, fraternal societies and cash-mutual insurance corporations; all other insurers may invest their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds.

Rev. Stat., c. 165.

2. Section 300a of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1945*, is repealed and the following substituted therefor:

Investment of funds in housing projects.

1944-45, c. 46 (Can.).

300a. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may, in addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944 (Canada)*, or any amendments thereto, invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in any other classes or types of investments pursuant to the said *National Housing Act*, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

Short title.

3. This Act may be cited as *The Companies Amendment Act, 1949 (No. 2)*.

An Act to amend The Companies Act
(No. 2).

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

No. 156

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Registry Act.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1—Subsection 1. Registrars who are paid by fees or other emoluments and not by salary will be entitled to retain for their own use from the fees of the office the first \$3,500 instead of the first \$3,000 a year.

The effect of this amendment will be to place these registrars on the same "pay" level as registrars on salary.

Subsection 2. This is complementary to subsection 1. There is no change in the percentages.

No. 156

1949

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 105 of *The Registry Act* ^{Rev. Stat., c. 170, s. 105,} is amended by striking out the symbol and figures “\$3,000” ^{subs. 1,} ~~amended.~~ in the second line and inserting in lieu thereof the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(1) Every registrar shall be entitled to retain to his own ^{Registrars' emoluments.} use in each year his net income up to \$3,500.

(2) Subsection 2 of the said section 105 is amended by ^{Rev. Stat., c. 170, s. 105,} striking out the symbol and figures “\$3,000” where they ^{subs. 2,} ~~amended.~~ occur in the third line and in the first line of clause *a* respectively and inserting in lieu thereof in each instance the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(2) Subject to the provisions of section 109 of this Act and of section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$3,500, pay to the treasurer of the county, or city, ^{Rev. Stat., c. 174.} for which or for part of which he is registrar, the following percentages:

(a) On the excess over \$3,500 up to \$6,000, fifty per centum;

(b) On the excess over \$6,000, ninety per centum.

2. This Act shall be deemed to have come into force on ^{Commencement of Act.} the 1st day of January, 1949.

3. This Act may be cited as *The Registry Amendment Act*, ^{Short title.} 1949.

An Act to amend The Registry Act.

1st Reading

March 17th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

No. 156

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Registry Act.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 156

1949

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 105 of *The Registry Act* ^{Rev. Stat., c. 170, s. 105,} is amended by striking out the symbol and figures “\$3,000” ^{subs. 1,} ~~amended.~~ in the second line and inserting in lieu thereof the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(1) Every registrar shall be entitled to retain to his own ^{Registrars' emoluments.} use in each year his net income up to \$3,500.

(2) Subsection 2 of the said section 105 is amended by ^{Rev. Stat., c. 170, s. 105,} striking out the symbol and figures “\$3,000” in the third line ^{subs. 2,} ~~amended.~~ and in the first line of clause *a* respectively and inserting in lieu thereof the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(2) Subject to the provisions of section 109 of this Act ^{Where net income exceeds \$3,500.} and of section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$3,500, pay to the treasurer of the county, or city, ^{Rev. Stat., c. 174.} for which or for part of which he is registrar, the following percentages:

(a) On the excess over \$3,500 up to \$6,000, fifty per centum;

(b) On the excess over \$6,000, ninety per centum.

2. This Act shall be deemed to have come into force on ^{Commencement of Act.} the 1st day of January, 1949.

3. This Act may be cited as *The Registry Amendment Act*, ^{Short title.} 1949.

BILL

An Act to amend The Registry Act.

1st Reading

March 17th, 1949

2nd Reading

March 21st, 1949

3rd Reading

March 25th, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Lands Act.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The section is re-enacted to bring the practice with respect to the annual report of the Department of Lands and Forests into line with the uniform practice adopted by the Department of the Provincial Secretary.

SECTION 2. The new section provides for setting apart tracts of land for research units, etc.

SECTION 3. The clause is re-enacted to facilitate administration.

SECTION 4—Subsection 1. Self-explanatory.

No. 157

1949

BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 7, re-enacted.

7.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department. Annual report.

(2) The Provincial Secretary shall submit the report to Tabling the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat., c. 33, amended.

12a. The Lieutenant-Governor in Council may set apart areas of public lands for any purpose which will benefit research in, and the management, utilization and administration of the public lands and forests. Public lands set apart for research.

3. Clause *c* of subsection 1 of section 39 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 39, subs. 1, cl. *c*, re-enacted.

(*c*) has resided upon and cultivated land for the three years after the date of the location or sale.

4.—(1) Subclause *ii* of clause *b* of subsection 2 of section 52 of *The Public Lands Act*, as re-enacted by section 4 of *The Public Lands Amendment Act, 1946*, is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "log", so that the subclause shall read as follows: Rev. Stat., c. 33, s. 52, subs. 2, cl. *b*, subcl. *ii* (1946), c. 79, s. 4, amended.

(ii) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet

log measure per acre and the owner plants at least ten per centum of the land with trees as a private reforestation project satisfactory to the Minister.

Rev. Stat.,
o. 33, s. 52
(1946,
o. 79, s. 4),
amended.

(2) The said section 52, as amended by section 1 of *The Public Lands Amendment Act, 1947* (No. 2), is further amended by adding thereto the following subsections:

Order
releasing
lands from
the reserva-
tion of
pine trees.

(3) Where letters patent, issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown, and where the land is under timber license, the Minister upon application of the owner may make an order releasing and discharging the land from the reservation of pine trees where,—

- (a) the amount of pine timber is less than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant; or
- (b) the owner or tenant has additional land adjoining that upon which he resides and at least fifteen per centum of such land has been cleared for agricultural purposes and the amount of pine timber on such land is less than 10,000 feet log measure; or
- (c) the amount of pine timber is greater than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant and upon payment by the owner of \$10 per 1,000 feet log measure for pine trees in excess of 10,000 feet log measure less any allowance in respect of work done to the timber stand by the owner or his predecessors-in-title,

and such order may be registered in the proper registry or land titles office.

Compensa-
tion.

(4) Where an order is made under subsection 3 the licensee shall be compensated by an amount to be determined by the Minister or by being given a license to cut timber elsewhere.

Cutting of
timber.—
subject to
regulations.
Rev. Stat.,
o. 36.

(5) When lands are released and discharged from the reservation of pine trees under subsection 3 the regulations made under *The Crown Timber Act* shall

Subsection 2. The new subsections will facilitate the release of pine on patented lands and will provide for compensation to licensees losing pine-cutting rights.

SECTION 5. The provisions deleted are now contained in *The Water Powers Regulation Act*. See Bill No. 75.

apply to any cutting of timber on such lands until a by-law is passed by a county or township under *The Trees Conservation Act, 1946* affecting such^{1946, c. 102.} lands.

5. Section 60 of *The Public Lands Act* is amended by <sup>Rev. Stat.,
c. 33, s. 60,
amended.</sup> striking out all the words after the word "land" in the ninth line, so that the section shall read as follows:

60. In all sales, fee grant locations, leases, licenses of <sup>Reservation
of water
power on
public
lands.</sup> occupation, mining claims and other dispositions of public lands, or mining lands or mining rights the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he may deem necessary, for the erection of buildings and plant, and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land.

6. This Act may be cited as *The Public Lands Amendment Act, 1949.* ^{Short title.}

An Act to amend The Public Lands Act.

BILL

1st Reading

March 23rd, 1949

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

1949

No. 157

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Public Lands Act.

MR. SCOTT (Peterborough)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 157

1949

BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 7, re-enacted.

7.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report to Tabling the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat., c. 33, amended.

12a. The Lieutenant-Governor in Council may set apart areas of public lands for any purpose which will benefit research in, and the management, utilization and administration of the public lands and forests. Public lands set apart for research.

3. Clause *c* of subsection 1 of section 39 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat., c. 33, s. 39, subs. 1, cl. *c*, re-enacted.

(*c*) has resided upon and cultivated land for the three years after the date of the location or sale.

4.—(1) Subclause *ii* of clause *b* of subsection 2 of section 52 of *The Public Lands Act*, as re-enacted by section 4 of *The Public Lands Amendment Act, 1946*, is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "log", so that the subclause shall read as follows: Rev. Stat., c. 33, s. 52, subs. 2, cl. *b*, subcl. *ii* (1946, c. 79, s. 4), amended.

(*ii*) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet

log measure per acre and the owner plants at least ten per centum of the land with trees as a private reforestation project satisfactory to the Minister.

Rev. Stat.,
c. 33, s. 52
(1946,
c. 79, s. 4),
amended.

(2) The said section 52, as amended by section 1 of *The Public Lands Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsections:

Order
releasing
lands from
the reserva-
tion of
pine trees.

(3) Where letters patent, issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown, and where the land is under timber license, the Minister upon application of the owner may make an order releasing and discharging the land from the reservation of pine trees where,—

- (a) the amount of pine timber is less than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant; or
- (b) the owner has additional land adjoining that upon which he or his tenant resides and at least fifteen per centum of such land has been cleared for agricultural purposes and the amount of pine timber on such land is less than 10,000 feet log measure; or
- (c) the amount of pine timber is greater than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant and upon payment by the owner of \$10 per 1,000 feet log measure for pine trees in excess of 10,000 feet log measure less any allowance in respect of work done to the timber stand by the owner or his predecessors-in-title,

and such order may be registered in the proper registry or land titles office.

Compensa-
tion.

(4) Where an order is made under subsection 3 the licensee shall be compensated by an amount to be determined by the Minister or by being given a license to cut timber elsewhere.

(5) When lands are released and discharged from the reservation of pine trees under subsection 3 the regulations made under *The Crown Timber Act* shall

Cutting of
timber.—
subject to
regulations.
Rev. Stat.,
c. 36.

apply to any cutting of timber on such lands until a by-law is passed by a county or township under *The Trees Conservation Act, 1946* affecting such lands.^{1946, c. 102.}

5. Section 60 of *The Public Lands Act* is amended by Rev. Stat.,^{c. 33, s. 60,} striking out all the words after the word "land" in the ninth^{amended.} line, so that the section shall read as follows:

60. In all sales, free grant locations, leases, licenses of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he may deem necessary, for the erection of buildings and plant, and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land.

6. This Act may be cited as *The Public Lands Amendment Act, 1949.* Short title.

BILL

An Act to amend The Public Lands Act.

1st Reading

March 23rd, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

Mr. Scott (Peterborough)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Oleomargarine.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 158

1949

BILL

An Act respecting Oleomargarine.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “oleomargarine” means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter;
- (b) “Minister” means Minister of Agriculture; “Minister”;
- (c) “package” means any wrapper, carton, box, tub, crock, crate or any other covering or container;
- (d) “public eating place” means any place where food or drink is offered for sale to the public for consumption on the premises and includes an hotel, inn, restaurant, public conveyance, victualling house and lunch counter; and
- (e) “regulations” means regulations made under this Act. “regulations”.

Oleomar-
garine
served in
public
eating
places.

2. Every keeper of a public eating place where oleo-

- margarine is served as such shall,—

- (a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words “Oleomargarine is served here as a substitute for butter”;
- (b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words “Oleomargarine is served here as a substitute for butter” in letters large enough to be distinctly seen from all parts of each room or place.

3. No person shall mix oleomargarine with butter for purposes of sale or for use in any public eating place.

Mixing
oleomar-
garine and
butter
prohibited.

Colouring.

4. No oleomargarine shall have a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Packaging.

5. Every package containing oleomargarine shall have legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of this Legislature,—

- (a) the word "oleomargarine" or the trade name of the contents;
- (b) the words "a substitute for butter"; and
- (c) a list of the ingredients in oleomargarine and the percentage of each such ingredient.

Licence to manufacture or sell by wholesale.

6. No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the Minister.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the issue of licences to manufacturers or wholesalers of oleomargarine and prescribing the form, term and conditions thereof and the fees to be paid therefor, and providing for the transfer, renewal, suspension or cancellation thereof;
- (b) prescribing standards of quality for oleomargarine; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences and penalties.

8. Every person who contravenes any provision of this Act or any regulation shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

Commencement of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Oleomargarine Act, 1949.*

BILL

An Act respecting Oleomargarine.

1st Reading

March 23rd, 1949

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Oleomargarine.

MR. KENNEDY

(Reprinted as amended in Committee of the Whole House.)

No. 158

1949

BILL

An Act respecting Oleomargarine.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.—

- (a) “oleomargarine” means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter;
- (b) “Minister” means Minister of Agriculture; “Minister”;
- (c) “package” means any wrapper, carton, box, tub, crock, crate or any other covering or container;
- (d) “public eating place” means any place where food or drink is offered for sale to the public for consumption on the premises and includes an hotel, inn, restaurant, public conveyance, victualling house and lunch counter; and
- (e) “regulations” means regulations made under this Act. “regulations”.

2. Every keeper of a public eating place where oleomargarine is served as such shall,—

Oleomar-
garine
served in
public
eating
places.

- (a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words “Oleomargarine is served here”;
- (b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words “Oleomargarine is served here” in letters large enough to be distinctly seen from all parts of each room or place.

3. No person shall mix oleomargarine with butter for purposes of sale or for use in any public eating place.

Mixing
oleo-
margarine and
butter
prohibited.

Colouring.

4. No oleomargarine shall have a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Packaging.

5. Every package containing oleomargarine shall have legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of this Legislature,—

(a) the word "oleomargarine" or the trade name of the contents; and

(b) a list of the ingredients in oleomargarine and the percentage of each such ingredient.

Licence to manufacture or sell by wholesale.

6.—(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the Minister.

Unlawful manufacture, etc.

(2) No person shall manufacture, sell, offer for sale, have in his possession for sale or serve in any public eating place any oleomargarine which does not comply with the provisions of this Act or the regulations.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

(a) providing for the issue of licences to manufacturers and wholesalers of oleomargarine and prescribing the form, term and conditions thereof and the fees to be paid therefor, and providing for the transfer, renewal, suspension or cancellation thereof;

(b) prescribing standards of quality for oleomargarine; and

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences and penalties.

8. Every person who contravenes any provision of this Act or any regulation shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

Commencement of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Oleomargarine Act, 1949.*

BILL

An Act respecting Oleomargarine.

1st Reading

March 23rd, 1949

2nd Reading

March 28th, 1949

3rd Reading

MR. KENNEDY

(Reprinted as amended in Committee of the
Whole House.)

No. 158

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Oleomargarine.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 158

1949

BILL

An Act respecting Oleomargarine.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.—

- (a) “oleomargarine” means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter;
- (b) “Minister” means Minister of Agriculture; “Minister”;
- (c) “package” means any wrapper, carton, box, tub, “package”; crock, crate or any other covering or container;
- (d) “public eating place” means any place where food or drink is offered for sale to the public for consumption on the premises and includes an hotel, inn, restaurant, public conveyance, victualling house and lunch counter; and
- (e) “regulations” means regulations made under this Act. “regulations”.

2. Every keeper of a public eating place where oleomargarine is served as such shall,—

Oleomar-
garine
served in
public
eating
places.

- (a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words “Oleomargarine is served here”;
- (b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words “Oleomargarine is served here” in letters large enough to be distinctly seen from all parts of each room or place.

3. No person shall mix oleomargarine with butter for purposes of sale or for use in any public eating place.

Mixing
oleomar-
garine and
butter
prohibited.

Colouring. **4.** No oleomargarine shall have a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Packaging. **5.** Every package containing oleomargarine shall have legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of this Legislature,—

(a) the word “oleomargarine” or the trade name of the contents; and

(b) a list of the ingredients in the oleomargarine and the percentage of each such ingredient.

Licence to manufacture or sell by wholesale. **6.—(1)** No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the Minister.

Unlawful manufacture, etc. **(2)** No person shall manufacture, sell, offer for sale, have in his possession for sale or serve in any public eating place any oleomargarine which does not comply with the provisions of this Act or the regulations.

7. The Lieutenant-Governor in Council may make regulations,—

(a) providing for the issue of licences to manufacturers and wholesalers of oleomargarine and prescribing the form, term and conditions thereof and the fees to be paid therefor, and providing for the transfer, renewal, suspension or cancellation thereof;

(b) prescribing standards of quality for oleomargarine; and

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences and penalties. **8.** Every person who contravenes any provision of this Act or any regulation shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

Commencement of Act. **9.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **10.** This Act may be cited as *The Oleomargarine Act, 1949.*

BILL

An Act respecting Oleomargarine.

1st Reading

March 23rd, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Subsection 4b is new. It provides that any assistance payments made to a mine under *The Emergency Gold Mining Assistance Act* (Canada) shall be deducted from the expenses, etc., in ascertaining profits for the purpose of section 4 of *The Mining Tax Act*.

No. 159

1949

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Mining Tax Act*, as amended by section 2 Rev. Stat., c. 28, s. 4, of *The Mining Tax Amendment Act, 1941*, section 26 of *The Statute Law Amendment Act, 1943*, subsection 2 of section 2 of *The Mining Tax Amendment Act, 1946*, section 2 of *The Mining Tax Amendment Act, 1947* and section 2 of *The Mining Tax Amendment Act, 1947* (No. 2), is further amended by adding thereto the following subsection:

- (4b) In ascertaining and fixing the annual profits of a mine for the purpose of this section the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid or payable in respect of the year's output of the mine under *The Emergency Gold Mining Assistance Act* (Canada). Assistance payments to be deducted from expenses. 1948, c. 15 (Can.).

2. Subsection 4b of section 4 of *The Mining Tax Act*, as enacted by section 1, shall apply to the tax payable under section 4 of *The Mining Tax Act* in 1949 and thereafter. Application of s. 4b.

3. This Act shall be deemed to have come into force on the 1st day of January, 1949. Commencement of Act.

4. This Act may be cited as *The Mining Tax Amendment Act, 1949*. Short title.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 159

1949

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Mining Tax Act*, as amended by section 2 Rev. Stat., c. 28, s. 4, of *The Mining Tax Amendment Act, 1941*, section 26 of *The Statute Law Amendment Act, 1943*, subsection 2 of section 2 of *The Mining Tax Amendment Act, 1946*, section 2 of *The Mining Tax Amendment Act, 1947* and section 2 of *The Mining Tax Amendment Act, 1947* (No. 2), is further amended by adding thereto the following subsection:

(4b) In ascertaining and fixing the annual profits of a mine for the purpose of this section the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid or payable in respect of the year's output of the mine under *The Emergency Gold Mining Assistance Act* (Canada). 1948, c. 15 (Can.).

2. Subsection 4b of section 4 of *The Mining Tax Act*, as enacted by section 1, shall apply to the tax payable under section 4 of *The Mining Tax Act* in 1949 and thereafter.

3. This Act shall be deemed to have come into force on the 1st day of January, 1949.

4. This Act may be cited as *The Mining Tax Amendment Act, 1949*. Short title.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act for Raising Money on the Credit of the Consolidated
Revenue Fund.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 160

1949

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized ^{Loan of \$100,000,000} to raise from time to time by way of loan such sum or sums of authorized. money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000).
2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
3. The Lieutenant-Governor in Council may provide for a ^{Sinking Fund.} special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 ^{Rev. Stat., c. 22.} of section 3 of *The Provincial Loans Act.*
4. This Act shall come into force on the day it receives the ^{Commencement of Act.} Royal Assent.
5. This Act may be cited as *The Ontario Loan Act, 1949.* ^{Short title.}

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 160

1949

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized ^{Loan of \$100,000,000 authorized.} to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000).
2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act.*
4. This Act shall come into force on the day it receives the Royal Assent.
5. This Act may be cited as *The Ontario Loan Act, 1949.* ^{Commencement of Act.} ^{Short title.}

Rev. Stat.,
c. 22.

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

Mr. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario,
Steep Rock Iron Mines Limited, The Ontario-Minnesota Pulp
and Paper Company Limited and His Majesty the King.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 161

1949

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in *The Power Commission Act* or any other Act of this Legislature but subject to subsection 2,—

Rev. Stat.,
c. 62.

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule A, relating to the leasing of certain water power sites and other matters as therein provided;
- (b) the agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule B, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) the agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario dated the 15th day of March, 1949, set out as Schedule C, relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) the agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario dated the

15th day of March, 1949, set out as Schedule D, relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and

- (e) the agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 15th day of March, 1949, set out as Schedule E, relating to the construction of a dam and other matters as therein provided,

when executed and delivered are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns.

When agreements to become binding.

(2) Notwithstanding anything contained in the lease set out as Schedule A or in the agreements set out as Schedules B, C, D and E the said lease and agreements shall not become binding upon the parties thereto until the day this Act comes into force.

Powers of Commission with respect to certain agreements.

2.—(1) The Hydro-Electric Power Commission of Ontario is authorized to construct, maintain and operate dams, control gates and all other works for the storage and control of water necessary to enable it to perform its obligations under the agreement set out as Schedule C and the agreement set out as Schedule E, and for such purposes to enter upon, take possession of, expropriate and use any land, lake, river, stream or other body of water, or any watercourse, channel, water diversion or canal, and to divert or alter the boundaries or course of any lake, river, stream, or other body of water, or of any watercourse, channel, water diversion or canal, and to raise or lower the level of the same and to flood or overflow any land.

Additional powers.

(2) In relation to all matters authorized by subsection 1 the Commission shall have, and may exercise and enjoy, all the powers conferred upon it by subsections 3, 4, 5 and 6 of section 21 of *The Power Commission Act* in relation to matters authorized by the Lieutenant-Governor in Council under any of the provisions of section 21 of *The Power Commission Act* and the provisions of subsections 3, 4, 5, 6 and 7 of section 21 of *The Power Commission Act* shall apply to all matters authorized under subsection 1.

Idem.

(3) Subsection 8 of section 21 of *The Power Commission Act* shall apply in relation to all matters authorized by subsection 1 with the substitution of the words "pursuant to subsection 1 of section 2 of *The Steep Rock Iron Ore Development Act, 1949*" for the words "pursuant to any authorization of the Lieutenant-Governor in Council under this section".

Rev. Stat., c. 62.

3.—(1) Any profits that have heretofore arisen or that Profits. hereafter arise from any agreement at any time made between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited in any territorial district in Ontario and any profits that arise under the agreement set out as Schedule B shall be credited to the account for Northern Ontario Properties of The Hydro-Electric Power Commission of Ontario under any agreement with His Majesty the King under section 47 of *The Power Commission Act.*

(2) Any losses that heretofore have arisen or that hereafter Losses. arise from any agreement for the supply of electrical power or energy referred to in subsection 1 or from any other agreement hereafter made for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited shall be charged to the account referred to in subsection 1.

(3) Any money that becomes due to The Hydro-Electric Disposition of moneys. Power Commission of Ontario under the agreement set out as Schedule E and that is not paid shall be charged to the account referred to in subsection 1 and if subsequently paid shall be credited thereto.

(4) The cost to The Hydro-Electric Power Commission of Disposition of losses. Ontario of anything done pursuant to the agreement set out as Schedule C and the losses arising out of indemnities or guarantees given by The Hydro-Electric Power Commission of Ontario under that agreement, for which it is not reimbursed by Steep Rock Iron Mines Limited pursuant to the agreement set out as Schedule E shall be charged to the account referred to in subsection 1, and if subsequently paid shall be credited thereto.

4.—(1) No action shall be brought or be maintainable Certain actions against O.-M. prohibited. against The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns in respect of any claim arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake or relating to the Seine Diversion or the manner in which the same are maintained and operated.

(2) Such powers of expropriation as were exercisable by Expropria-
tion powers. The Seine River Improvement Company Limited when *The Steep Rock Iron Ore Development Act, 1942* came into force may be validly exercised by The Ontario-Minnesota Pulp and Paper Company Limited in the same manner and to the same extent as if Part XIII of *The Companies Act* applied to Rev. Stat., c. 251. The Ontario-Minnesota Pulp and Paper Company Limited.

Termination
of certain
agreements.

5. The agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreements set out in the said Schedules B and C shall remain binding upon the parties thereto until the lease set out as Schedule A and the agreements set out as Schedules B, C, D and E to this Act have been executed and delivered and have become binding and thereupon the agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreement set out in the last-mentioned Schedules B and C shall terminate except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement made the 10th day of April, 1942, between The Ontario-Minnesota Pulp and Paper Company Limited, Steep Rock Iron Mines Limited and The Seine River Improvement Company Limited set out as Schedule D to the said Act, which obligations shall continue in full force and effect in respect of any claim based on any escape of water arising prior to the time of such termination.

1942, c. 35;
1943, c. 29;
repealed.

6. *The Steep Rock Iron Ore Development Act, 1942* and *The Steep Rock Iron Ore Development Act, 1943* are repealed.

Commencement
of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation, provided that no such Proclamation shall be issued after the 15th day of April, 1949, or shall name a day after the 15th day of April, 1949.

Short title.

8. This Act may be cited as *The Steep Rock Iron Ore Development Act, 1949*.

SCHEDULE A

WATER POWER LEASE

No. 115

PROVINCE OF ONTARIO

Dated the 15th day of March, 1949

HIS MAJESTY THE KING in right of Ontario, represented by the Minister of Lands and Forests (hereinafter referred to as "the Crown")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE OTHER PART

The parties hereto hereby agree to and with each other as follows:

1. The Crown demises and leases unto the Company, the certain parcels or tracts of land and land under the waters of the Seine River in the District of Rainy River in the Province of Ontario being water power sites at Sturgeon Falls and Calm Lake and being more particularly described in Schedules A and B hereto, together with all advantages and appurtenances which may during the term hereby granted be held, occupied or enjoyed therewith, for a period from the First day of April, 1949 to the Thirty-first day of March, 1989, inclusive, subject to the following rates, terms and conditions:

2. The use by the Company of the areas in Schedules A and B hereto from the First day of April, 1947 to the Thirty-first day of March, 1949, is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28. The use by the Company of the balance of the areas demised to the Company under Water Power Lease No. 28 from the First day of April, 1947 to the date of the completion of the sale of the Moose Lake plant and certain other assets by the Company to The Hydro-Electric Power Commission of Ontario pursuant to agreement of even date here-with is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28.

3. The Company shall pay annually to the Crown in advance, a minimum payment of \$3,750.00, commencing on the 15th day of April, 1949 and on or before the 15th day of April in each and every year during the continuance of these presents.

4. If during any period extending from the First day of April to the Thirty-first day of March next following, the Company shall at the two sites develop more than 3,333 average horse power, the Company shall pay the Crown for any average horse power developed beyond the said amount, at the permanent rate of One Dollar and twelve and one-half cents (\$1.12½) per average horse power developed per annum.

5. The excess above 3,333 average horse power developed per annum shall be computed from data, which the Company shall submit to the Crown on or before the Thirtieth day of April in each succeeding year and which shall be a certified yearly statement compiled from monthly records setting out the total average horse power developed at each site during each month of the period and also showing for each power site development the mean elevations of head water and tail water, the operating head and the volume of water in cubic feet per second passing through the different openings.

6. The Company shall pay the Crown the amount due for average annual development at the two sites in excess of 3,333 horse power on or before the Thirty-first day of May in each and every year next following the period during which such horse power was developed.

7. The Company shall maintain the developments already made, and shall utilize the water privileges situated on the lands hereby demised by maintenance of all necessary works and all necessary plant and machinery on the said lands for the generation of electricity, or the production of some other form of power by means of the water flowing in or over those portions of the bed of the river situate on the lands hereby demised to the full extent and capacity.

8. The Company shall use the power so developed in the operation of machinery or some other commercial, mechanical or industrial purpose (provided that the power so developed shall not be used for the production of steam during any period when there is a shortage of electrical power in the Fort Frances area) or if the power so developed or any part thereof shall not be required for such purpose or purposes by the Company, the power not so required from time to time by the Company shall be furnished upon written request of the Minister to The Hydro-Electric Power Commission of Ontario or to any other person or corporation requiring the same up to the amount of power required or in demand.

9. Whenever so required by the Minister, the Company shall execute and deliver to any person or corporation operating a mine, or to any other person, corporation or commission with a bona fide demand for power, a contract to deliver power for any industrial, mining, domestic, rural or municipal use or purpose at such points on any transmission line operated by the Company in connection with its water power sites at Sturgeon Falls and Calm Lake to such amount, and upon such terms and conditions as to rate, security for payment or otherwise, as the Minister may determine.

10. No power developed under the terms of this Lease shall be exported from the Province of Ontario except under the authority of an Order-in-Council. Application by the Company for authority to export power shall be made to the Minister by registered mail at least thirty (30) days before the date of the intended export of power. Notice of intention to apply for such authority shall, at the same time as such application is made, be sent by registered mail to The Hydro-Electric Power Commission of Ontario and to the Clerk of the Corporation of the Town of Fort Frances.

11. Upon report being made by the Minister to the Lieutenant-Governor in Council that the water privileges aforesaid have not been developed and utilized to the full extent of their capacity by the works constructed, or the water wheels, plant and machinery installed by the Company and that there is a bona fide demand for power in excess of the quantity of power developed and utilized by the Company, which might in whole or in part be supplied from the water privileges aforesaid, then the Lieutenant-Governor in Council may by Order in Council require the Company to develop and render available for use the additional quantity of power so shown to be undeveloped and capable of development or any part thereof, by the construction of the necessary works, the location of water wheels and the installation of suitable and necessary plant and machinery on the said lands within a period of time to be named in the said Order, and in default of compliance with the said requirements, the Lieutenant-Governor in Council may order and direct that this Lease shall be forfeited and cancelled and the same shall be forfeited and cancelled accordingly.

12. For the purpose of ascertaining the quantity of power actually developed or capable of development from the water privileges aforesaid or the quantity of power exported from the Province or the amount of rental payable hereunder by the Company, the Minister or any engineer appointed by him for that purpose shall at all times have authority to enter upon the said lands hereby demised or any buildings or works erected thereon or any part thereof, or any other lands, buildings or works on or in or by means of which power from the said privileges is developed, and examine and inspect the same, and take measurements and make observations and shall have free access to all books, plans or records

bearing on the said quantity of power. Any calculations of the quantity of power developed or capable of development from the said water privileges or of the amount of rental payable hereunder made by the Minister or by such engineer shall be binding upon the Company.

13. Should any person, corporation or commission receiving power from the Company for distribution, or any other person, corporation or commission desirous of obtaining power as aforesaid, fail to agree upon the rate or price to be paid for the same, or the terms and conditions for supplying the same, either party may submit the matter to the Minister, and any order made by the Minister fixing and determining the said rates and conditions shall be final and conclusive and binding upon all parties concerned.

14. In the case of submission to the Minister, as in the preceding paragraph, the Company, if so required by the said Minister, shall produce all books, accounts, records and statements, verified by affidavit, of the cost of constructing, equipping and maintaining the works for the development of the said privileges hereby demised, and delivering the power therefrom.

15. The granting hereof or the requirements herein as to the development of power from the said water privileges shall not be deemed to be a guarantee by the Minister that any quantity of power is capable of being generated from the said privileges, and the Company shall have no recourse against the Minister, or the Government of Ontario, if power cannot be generated therefrom.

16. Upon the complaint in writing to the Minister by any municipal corporation, company or person, that any municipal corporation, company or person receiving power from the Company is charging for electric lighting or heating or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power received from the Company for the purpose of granting a bonus by supplying power, light or heat below cost, the Minister may refer the complaint to The Hydro-Electric Power Commission of Ontario for hearing and adjudication under the powers contained in Chapter 62, Revised Statutes of Ontario, 1937, and the findings and directions of The Hydro-Electric Power Commission shall be final and conclusive.

17. The Company shall not have the power or authority under these presents to overflow or cause to be overflowed any land or lands other than those hereby demised, and it is distinctly understood and agreed that should any lands other than those herein demised be overflowed or damaged, the Crown or the Government of Ontario shall in no wise be responsible for damage done thereto to the owner or owners thereof.

18. During the continuance of this Lease, the Company shall keep and maintain all dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works necessary for the development and use of the water powers or privileges aforesaid in good repair and condition and shall not wilfully or otherwise injure or destroy the same or any part thereof, but at the expiry or sooner determination thereof, shall leave all such structures and works in good repair and condition, reasonable use and wear thereof and damage by fire and tempest only excepted, and so that their subsequent usefulness shall not be lessened by any act of the Company.

19. The Company shall not destroy or obstruct the navigation of the said Seine River or any other river, stream, lake or other body of water flowing into or out of the same which was previously navigable, and the Company shall provide such locks, canals, passages and other means as may be necessary for the proper and safe surmounting or passing of any dam, weir or other work made or erected by the Company and as may be required for purposes of navigation by the Government of Canada.

20. The granting of these presents shall not interfere with, lessen, or restrict the right of timber owners or others to drive their logs or timber down the said Seine River, or that part of it hereby demised, and full and proper provision shall be made by the Company for the safe and convenient passage of logs and timber past the said power developments.

21. At the expiry or sooner determination of this Lease, the said lands hereby demised, together with the water power privileges aforesaid, shall revert to and become the property of the Crown as fully as if these presents had never been executed, together with all buildings, dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works situate thereon, provided nevertheless that within a reasonable time to be fixed by the Minister, the Company may remove all machinery employed by it in the development or use of the said water powers or privileges, but failing such removal within the time so fixed, such machinery shall become the property of and be vested in the Crown to all intents and purposes whatsoever. Provided that where any such buildings or structures are of a permanent character and necessary or useful for the proper development and utilization of the water privileges aforesaid, the Lieutenant-Governor in Council may upon report in that behalf by the Minister, pay the Company by way of compensation therefor and purchase thereof, such sum or sums as he may deem proper upon the same being appropriated for the purpose by the Legislative Assembly of the Province.

22. The Minister may cancel this Lease for non-payment of the rent hereby reserved as aforesaid within ninety days after the time the same is payable, whether the same has been demanded or not, or if the conditions as to the construction, maintenance or operation of the works or the development or supply of power have not been complied with or if the Company has continually failed or neglected for the space of one year effectually to produce power from the said privileges either for its own use or for that of other persons unless hindered by unavoidable accident, or if the Company has failed or neglected to comply with any of the conditions hereof or any Order-in-Council respecting any matter or thing arising hereunder concerning which such Order-in-Council is made.

23. Ten days' notice in writing shall be given the said Company before any such cancellation in order that it may have an opportunity of being heard should it so desire.

24. The acceptance of rent hereunder shall not be deemed to be a waiver of any of the terms or conditions herein expressed concerning the construction of works, development or supply of power or otherwise.

25. These presents and the term hereby created shall not be assigned or transferred without the written consent of the Minister.

26. The sending of a notice by prepaid and registered letter addressed to the Company at Kenora, Ontario, shall be good and sufficient service of any notice which must be given to the Company under the provisions of these presents.

27. The Company covenants that this lease is accepted by it subject to any rights of His Majesty in right of Canada to control the navigation of the Seine River and the Company hereby covenants and agrees that under these presents it shall have no recourse against His Majesty in right of the Province of Ontario by reason of any damage that may hereafter be sustained by the Company in consequence of any works constructed or to be constructed or authorized by His Majesty in right of Canada in connection with improvement of the navigation of the Seine River, or otherwise caused by the exercise by His Majesty in the right of Canada of any rights to control navigation.

28. These presents shall extend to and be binding upon and enure to the benefit of the parties hereto, their administrators, assignees and successors respectively.

29. This Lease shall be subject to all Acts of the Legislature of the Province of Ontario of general application throughout the said Province which are now or which may hereafter be in force and all regulations of general application throughout the said Province duly made under the provisions of any such Acts, and the same shall be binding upon and enure to the benefit of the Company and shall apply to its operation under this Lease as fully and effectually as if they had been set forth herein.

30. This Lease shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this Lease and certain agreements of even date herewith, short particulars of which are as follows:

(a) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

(b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine River Diversion and other matters as therein provided;

(c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

(d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed, whereupon this Lease shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF The Honourable H. R. Scott, Minister of Lands and Forests, has hereunto set his hand and seal of the Department of Lands and Forests and The Ontario-Minnesota Pulp and Paper Company Limited has hereunto set its seal over the signatures of its proper signing officers in that behalf.

"R. H. SCOTT"
Minister of Lands and Forests
(Seal)

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY, LIMITED

"DONALD D. DAVIS"
President
"R. D. MAIN"
Secretary
(Seal)

Schedule A to Water Power Lease No. 115

Sturgeon Falls Power site location. Comprising land and land under water at Sturgeon Falls on the Seine River, being composed of mining locations P 728, H P 158 and parts of mining locations G 278, H P 726, H P 727, 274X, H P 157, and part of the bed of the Seine River and road allowance on each side adjacent thereto, described as follows,—

Commencing at the southwesterly angle of mining location P 728; thence north along the westerly limit of said mining location fifteen hundred (1500) feet; thence due west six hundred and fifty (650) feet; thence due north nine hundred and fifty-seven and four tenths (957.4) feet more or less to the southerly limit of the right of way of the Canadian National Railway; thence easterly and along said last mentioned southerly limit, six hundred and fifty-five and three tenths (655.3) feet more or less to a point in the same north astronomically of the northwesterly angle of said mining location P 728; thence north astronomically to a point in the same three hundred and sixty feet from the northwesterly angle of said mining location P 728; thence east astronomically five thousand four hundred and thirteen and three tenths (5413.3) feet more or less to a point due north of the northeast angle of mining location H P 158; thence

south astronomically to the northeast angle of mining location H P 158; thence continuing south along the easterly limit of the said mining location H P 158 to the southeast angle thereof; thence west along the south limit of said mining location H P 158 eighteen hundred and seventy nine feet (1879) more or less to the easterly limit of mining location H P 157; thence south astronomically one thousand and eighty (1080) feet; thence west astronomically two thousand nine hundred and fifty (2950) feet more or less to the westerly limit of the road allowance along the westerly shore of the Seine River; thence northerly and along the said westerly limit to the intersection of the same with the northerly limit of mining location K 271; thence westerly along the northerly limit of said mining location K 271 to the place of commencement, excluding therefrom the right of way of the Canadian National Railway across said described area, said parcel containing three hundred and forty-nine and thirty-one hundredths (349.31) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Schedule B to Water Power Lease No. 115

Calm Lake Power site location. Comprising land and land under the water on Seine River in the township of Bennett, being composed of parts of broken lot 1, concession 3, part of lot 2, concession 4, part of mining locations H P 161, H P 159, part of the bed of Seine River and the original road allowance adjoining the same described as follows,—

Firstly,—Part of Lot 1, Concession 3, township of Bennett, parts of mining locations H P 161, and H P 159, and the Seine River and road allowance, commencing at a point in the westerly limit of broken lot 1, in the 3rd concession, of the township of Bennett, distant two thousand six hundred and forty (2640) feet measured south along said limit from the northwest angle of said broken lot, thence south along the west limit of said broken lot to the intersection with the high water mark on the northwesterly shore of the Seine River; thence continuing southerly, following the irregularities of said high water mark down stream to a point where the south limit of mining location H P 161 produced westerly would intersect the same; thence easterly along said production and the south limit of mining location H P 161 to the south east angle thereof; thence north along the east limit of mining location H P 161, one thousand nine hundred and eighty (1980) feet more or less to the northeast angle thereof; thence east along the south limit of mining location H P 159, six hundred and forty (640) feet to the southerly production of the easterly limit of the township of Bennett; thence north astronomically two thousand two hundred (2200) feet more or less to the intersection with the high water mark on the southeasterly shore of the Seine River; thence north forty-five (45) degrees west astronomically, across said Seine River, to the high water mark on the northwesterly shore; thence southwesterly following the said high water mark to a point due east from the point of commencement; thence west astronomically one thousand (1000) feet more or less to the place of commencement, said parcel containing one hundred and sixty-four (164) acres more or less, as shown outlined in pink on a plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Secondly,—Part of lot 1, concession 3, township of Bennett;—Commencing at the northwesterly angle of lot 1, in the 3rd concession of said township of Bennett; thence southerly along the westerly limit of said lot 1, six hundred and sixty (660) feet; thence due east six hundred and sixty (660) feet; thence northerly and parallel to aforesaid westerly limit six hundred and sixty (660) feet more or less to the northerly limit of said lot 1; thence westerly and along the northerly limit of said lot 1, six hundred and sixty (660) feet more or less to the place of commencement, said parcel containing ten (10) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Thirdly,—Part of lot 2, concession 4, township of Bennett;—Commencing at a point in the southerly limit of lot 2, in the 4th concession of the township of Bennett, distant three hundred and thirty feet (330) feet measured west from the southeasterly angle thereof; thence northerly and parallel to the easterly limit of the said lot 1, one thousand nine hundred and eighty (1980) feet; thence due west three hundred and thirty (330) feet; thence southerly and parallel to the easterly limit of said lot 2, one thousand nine hundred and eighty (1980) feet more or less to the southerly limit of said lot 2; thence easterly and along the said southerly limit three hundred and thirty (330) feet more or less to the place of commencement, said parcel containing fifteen (15) acres more or less, as shown outlined in pink on a plan made by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

SCHEDULE B

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called the "Commission")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called the "Company")

OF THE OTHER PART

WHEREAS the Commission acting under *The Power Commission Act*, R.S.O. 1937 chapter 62 and amendments thereto is willing to enter into an agreement for the supply of electric power on the terms and conditions herein contained;

AND WHEREAS the Company is a company duly incorporated under the laws of the Province of Ontario with head office at the Town of Kenora in the said Province;

AND WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by His Majesty the King and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (hereinafter called "the 1942 Power Contract") between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited, dated the 10th day of April, 1942, set out in Schedule A to the said Act and relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

AND WHEREAS the Commission has been supplying electric power to the Company under the provisions of the 1942 Power Contract;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No. 28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege subject to the impracticability as aforesaid of operating the Moose Lake plant;

AND WHEREAS the Crown in right of the Province of Ontario has

requested that the Moose Lake plant and certain other assets should be sold by the Company to the Commission and the Company has agreed to sell the Moose Lake plant and such other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual and respective covenants and agreements of the parties and other considerations herein contained the parties hereby covenant, promise and agree as follows:

1. The Commission agrees to reserve for and deliver to the Company ten thousand five hundred (10,500) horse power of electrical power and energy as firm power under the conditions and at the point of delivery herein specified such delivery to commence on the date upon which this agreement becomes binding as hereinafter provided and to continue up to midnight on March 31, 1989.
2. In addition to the firm power to be supplied pursuant to clause 1 the Commission agrees also to deliver additional power, hereinafter called "supplementary power", to the Company from time to time but only when and in such amounts and for such periods as the Commission is willing to supply and the Company is willing to take it and subject to reduction and/or interruption in whole or in part by the Commission at any and all times and for such duration of time as the Commission in its sole discretion may from time to time will and direct.
3. The Commission agrees to deliver all power hereunder at the junction of the transmission lines from the Calm Lake plant of the Company and the Sturgeon Falls plant of the Company hereinafter called the "point of delivery".
4. The Commission agrees to deliver the firm power as commercially continuous twenty-four (24) hour power every day in the year except as provided in this agreement and to deliver supplementary power pursuant to the provisions of clause 2.
5. If in any month the Company takes power so that the average demand for any twenty (20) consecutive minutes is in excess of ten thousand five hundred horse power (10,500 h.p.) such excess shall be deemed to be supplementary power, except to the extent that such taking is due exclusively to inadvertence, accident, exigencies created by operation of systems in parallel, or other cause reasonably beyond the control of the Company. The taking of such excess shall not thereby constitute an obligation on the part of the Commission to reserve and/or deliver power increased to any extent over its obligations under clause 1 but for such month the Company shall pay for supplementary power as if such excess had been taken for the whole month, but such payment shall not confer upon the Company any right to take such or any excess power free from the restrictions thereon specified in clause 2.
6. All power delivered under this agreement shall be alternating three-phase having a frequency of approximately sixty (60) cycles subject to ordinary variations of approximately five per cent. (5%) and a nominal voltage of approximately one hundred and ten thousand volts (110 kv.) which nominal voltage it is agreed is in magnitude only commercially suitable for the operation in parallel of the Company's system with that of the Commission.

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include energy.

One horsepower (1 h.p.) shall be equivalent to seven hundred and forty-six Watts (746 W.).

7. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein.

(b) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission, the Company agrees at all times to take and use the power in such manner that the power factor (that is, the ratio of the kilowatts to the kilovolt amperes, determined simultaneously at the point of measurement) shall be not less than ninety per cent (90%); except that such taking, using and operation on the part of the Company shall not at any time obligate or require the Company to supply and deliver reactive kilovolt amperes to the Commission's system.

(c) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission the Commission agrees at all times either to maintain and operate the electric generating units at the Moose Lake plant as synchronous condensers or to provide and operate substitute equipment of equal or greater efficiency and to further provide such other equipment or facilities as may be necessary to enable the Commission to fulfill its obligations hereunder in respect of voltage levels.

8: The Company agrees to make all payments to be made to the Commission under this agreement in lawful money of the Dominion of Canada, at Toronto, and to pay in monthly payments to the Commission on the twentieth (20th) day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the tenth (10th) day, or if the bill be rendered after the tenth (10th) day then ten (10) days after the date of rendering; provided that all payments in arrears after the said date for payment shall bear interest at the rate of five per cent. (5%) per annum.

9. THE COMPANY AGREES:

(a) To pay for firm power delivered to the Company hereunder at the rate of sixteen dollars (\$16) per horsepower per year; and

(b) To pay for supplementary power delivered to the Company hereunder at the following prices and in the following manner:

(i) From the greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month as determined from the indications of the Commission's metering equipment hereinafter referred to shall be deducted the ten thousand five hundred (10,500) horsepower of firm power provided for under clause 1 hereof and the balance of such power shall be deemed to be supplementary power. All supplementary power so determined shall be paid for by the Company as regards the first one thousand (1000) horsepower thereof at the rate of nineteen dollars (\$19) per horsepower per year and as regards all such power in excess of the said first one thousand (1000) horsepower at the then prevailing rate at which the Commission is selling electrical power or energy of the same class, characteristics and quality to customers engaged in the manufacture of pulp and paper and taking power from the Commission's Northern Ontario Properties;

(ii) From the total number of kilowatt-hours delivered to or taken by the Company in any month as indicated on the Commission's metering equipment hereinafter referred to shall be deducted an amount of energy which is equivalent to the said greatest average demand referred to in subclause (b) (i) of this clause 9 calculated at a monthly load factor of 85%, and the balance shall be deemed to be excess energy hereunder, and shall be paid for by the Company at a rate of three and one-half (3½) mills per kilowatt-hour;

Notwithstanding the provisions of subclauses (b) (i) and (b) (ii) of this clause 9 the Company shall not be obliged in any event to pay to the Commission for firm power more than sixteen dollars (\$16) per horsepower per year plus any excess energy charge payable under the provisions of subclause (b) (ii) of this clause 9.

10. The Company agrees to pay to the Commission during the con-

tinuance of this agreement the sum of two thousand dollars (\$2,000) per annum as a contribution towards the cost to the Commission of maintaining and repairing the transmission line from the Moose Lake plant to the point of delivery, such amount to be paid on or before the 15th day of April in each year commencing with the year 1950.

11. THE COMPANY AGREES:

(a) To take the power covered by this agreement in accordance with the terms hereof and to discontinue or decrease taking supplementary power when required by the Commission to do so, and to prepare for the receipt and use of the said power so as to be able to receive power at the time or times when the Commission is required to deliver the same pursuant to the provisions hereof.

(b) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as practicable, and in any event with the difference between any two phases not greater than five per cent. (5%), and if at any time the difference between any two phases be increasing so as likely to exceed, or should exceed the said five per cent. (5%), to so adjust their load upon instructions from the Commission as to comply with this requirement.

(c) To use at all times suitable standard commercial machinery, plant and works in addition to electrical works and to operate and maintain the said machinery, plant and works so as not to cause more than minimum disturbance to or fluctuation in the Commission's power supply, or facilities used by the Commission to supply power hereunder, and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Company along with the said power supply and facilities.

12. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment, including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission;

(b) The greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month determined from coincident readings of the said meters, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Company in the said month;

(c) The point of measuring the power covered by this agreement shall be determined by the parties;

(d) Whenever the said measuring equipment is connected at other than the point of delivery the readings shall be subject to correction and shall be corrected to give results such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission;

(e) The records from the said meters shall be taken and recorded by the Commission on suitable forms and such records on file with the Commission shall be available to the Company at all reasonable times for inspection and information. The Company shall have the privilege of maintaining upon the Commission's premises at the point of measurement suitable equipment for measuring power hereunder;

(f) The Company if requested by the Commission shall provide free of charge a safe and suitable location at the point of delivery for the installation of the Commission's measuring equipment;

(g) The Commission may test, calibrate, adjust or change said measuring and other equipment or any part thereof at any reasonable time, but when possible the Company shall be advised at least three (3) days in advance of the Commission's intention so to do;

(h) The Company shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Company's desire to test such measuring equipment;

(i) The Commission shall repair or replace and retest its defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

(j) Access to any measuring equipment and to any apparatus, equipment and works belonging to one party and on the property of the other party shall be free to the representatives of both parties at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal of their respective apparatus, equipment and works, and the said representatives may do any of these things;

(k) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 12 and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment, except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts.

13. (a) In case the Commission shall, at any time or times be prevented from delivering said firm power, or any part thereof, by strikes, lockouts, riots, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, act of God, the King's enemies, order or regulation of the Dominion of Canada, or any other similar cause or causes reasonably beyond its control, then to the extent of such prevention, the Commission shall not be bound to deliver power during such time. The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption is removed, the Commission shall, without any delay, deliver said firm power as aforesaid;

(b) The Commission shall have the right at all reasonable times and when possible after reasonable notice has been given to the Company to discontinue, to the extent deemed necessary by the Commission, the supply of firm power hereunder for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works used for the delivery of power hereunder, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Company; and the Company shall not thereby be released from any obligation under this agreement;

(c) If the Company at any time fails in the performance of any of its obligations affecting electrical operation under this agreement, including without limiting the generality of the foregoing, taking power in excess of the maximum hereunder or taking supplementary power when requested by the Commission not to take such power, the Commission may give notice thereof to the Company by a representative of the Commission and the Company shall immediately remedy the said failure; in case of continued failure, then the Commission may discontinue delivery to the Company of all power or of any part thereof, and shall not be obligated to resume delivery to the Company until the Company shall have given to the Commission sufficient assurance that such failure will not recur; in such case the Company shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement.

14. The Company hereby grants to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of its lands as may be necessary or expedient to the Commission for the supply of power to the Company, the location thereof to be satisfactory to the Company; the said rights, wayleaves and easements to be for the term of this agreement and thereafter until ninety (90) days' written

notice from the Company to remove the Commission's works shall have been given and shall have expired; if the Company requires relocation of the Commission's works, the Company shall furnish on its lands an equivalent location; the Commission shall do the work of relocation and the Company shall pay the cost up to the extent such works supply power to the Company.

15. One or more representatives or engineers of the Commission appointed for this purpose, may at any reasonable time during the continuance of this agreement, have access to the Company's premises to inspect the works therein for the purposes hereof and to take records therefrom as required hereunder, and may do any of these things.

16. The Company shall assume all risk of and liability for and be responsible for any and all injury, damage and loss to property of the Commission on the premises of the Company or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement, or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission; the Company shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith.

17. If after termination of this agreement power be taken by the Company from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement, provided that such power should be paid for at a rate to be agreed upon on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Company any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Company and the Company shall not be obliged to take power after the termination of this agreement.

18. Any waiver by any party or failure by it to exercise its rights or enforce any of its remedies hereunder shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement, or in any other way affect the validity of this agreement or estop such party from pursuing any other remedy it may have and all rights and remedies of either party may be exercised and continued concurrently or separately.

19. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this agreement or concerning anything herein contained or hereby provided for or arising herefrom or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to arbitration under *The Arbitration Act* of the Province of Ontario and shall be determined in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario and when possible in a summary manner. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively, except that either of them may appeal from, move to set aside, vary or refer back any award as provided in the said *The Arbitration Act*, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited; no such disagreement, dispute, difference or question shall entitle the Commission (pending the determination of the dispute by arbitration as aforesaid) to withhold delivery of firm power.

20. Wherever in this agreement it is provided that notice may be given by either party to the other, such notice shall be in writing, shall be signed by the party giving such notice, and if such party is a corporation, by an officer thereof, and shall be deemed given to the party to whom such notice is directed when delivered at the address of such

party given below, and a copy thereof shall have been forwarded by registered mail addressed to the party to whom such notice is directed; until otherwise directed in writing by the respective parties, notices to the Company shall be addressed as follows:

The Ontario-Minnesota Pulp and Paper Company Limited,
500 Baker Arcade Building,
Minneapolis, Minnesota

and notices to the Commission shall be addressed as follows:

The Hydro-Electric Power Commission of Ontario,
620 University Avenue,
Toronto, Ontario

provided that the provisions of the within clause shall not apply to the notice referred to in clauses 12 (h) and 13 (c) hereof.

21. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

Provided that when this agreement shall have become binding in accordance with the foregoing provision it shall remain in force for the period during which the Commission is required to deliver power under the provisions hereof.

22. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman
(Seal)
E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President
(Seal)
R. D. MAIN
Secretary

SCHEDULE C

THIS AGREEMENT made in triplicate the 15th day of March, 1949,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE FIRST PART

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE SECOND PART

—and—

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, represented by the Minister of Lands and Forests (hereinafter called "the Crown")

OF THE THIRD PART

WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by the Crown and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls Plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake Plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake Plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No.-28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege to the full extent of the capacity thereof having regard to the impracticability as aforesaid of operating the Moose Lake Plant;

AND WHEREAS the Company has agreed to sell the Moose Lake Plant and certain other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

AND WHEREAS by Water Power Lease No. 115 of even date herewith granted by the Crown of the one part to the Company of the other part, among other things the Crown has leased to the Company the water power sites upon which the Calm Lake Plant and the Sturgeon Falls Plant are situated for a period terminating March 31, 1989 upon the terms and conditions therein set out;

AND WHEREAS by agreement of even date herewith between the Commission and the Company (hereinafter called "the 1949 Power Contract") the Commission has agreed to supply power to the Company on the terms and conditions therein set out;

AND WHEREAS the Company is dependent for the successful operation of the Calm Lake Plant and the Sturgeon Falls Plant on the regular and uninterrupted flow of water to the Calm Lake Plant and the Sturgeon Falls Plant;

AND WHEREAS the parties have agreed that the foregoing recitals shall be conclusively deemed to be correct and shall not be open to question by any of them as evidenced by their execution of this agreement;

NOW THEREFORE in consideration of the premises and the mutual and respective covenants and agreements of the parties, the parties hereby covenant, promise and agree as follows:

1. The Commission agrees that it will during the period commencing on the date upon which this agreement becomes binding as hereinafter provided and ending on March 31, 1989 (hereinafter called "the operative period") without expense to the Company comply with the reasonable requirements of the Company with respect to the storage of water in and the flow of water from Moose Lake so that the plants of the Company at Calm Lake and Sturgeon Falls may be operated substantially as the same have heretofore been operated and in particular and without restricting the generality of the foregoing that it will during the operative period without expense to the Company for the purpose aforesaid

- (a) maintain and operate adequate dams for the storage of water in Moose Lake and for the control of the flow of water from Moose Lake;
- (b) so long as and at any time when the natural flow of the Seine River is diverted through the Seine Diversion as now or hereafter constituted maintain and operate the Seine Diversion as now or hereafter constituted; and
- (c) if the natural flow of the Seine River through Steep Rock Lake is restored cause the Seine Diversion to be and remain closed.

2. The Commission agrees that if at any time during the operative period the natural flow of the Seine River through Steep Rock Lake is being restored then so long as the flow of water through the Calm Lake Plant or the Sturgeon Falls Plant of the Company is thereby affected the Commission shall furnish to the Company at the point of delivery provided for in the 1949 Power Contract without cost to the Company and in the manner in which firm power is delivered to the Company under the 1949 Power Contract such amount of power as together with the quantity of power from time to time available from the Calm Lake Plant and the Sturgeon Falls Plant will be equal to the total amount of power which would have been available from the Calm Lake Plant and the Sturgeon Falls Plant had undisturbed conditions continued.

3. The Commission assumes to the exoneration of the Company, its successors and assigns all liability for claims or suits of every character by whomsoever asserted, arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period. The Commission further agrees that it will at its own expense hold the Company or its successors and assigns harmless against any and all claims or suits of every character by whomsoever asserted based upon an escape of water as aforesaid or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period.

4. The Crown hereby assents to the provisions of this agreement. The Crown shall from time to time in respect of unalienated public lands

give such consents, authorizations, grants, licences and privileges as will enable the Commission to comply with its obligations under this agreement.

5. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

6. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman
(Seal)
E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
(Seal)
R. D. MAIN
H. R. SCOTT
Minister of Lands and Forests
(Seal)

SCHEDULE D

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE ONE PART

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE OTHER PART

WHEREAS the Commission has agreed to buy from the Company and the Company has agreed to sell to the Commission certain assets of the Company hereinafter specified on the terms and conditions hereof;

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained it is hereby agreed as follows:

1. The Company agrees to sell and the Commission agrees to buy all the right title and interest of the Company in and to

- (a) the hydro-electric power plant (hereinafter called "the Moose Lake Plant") situate on the Moose Lake power site location which location is described as Parcel 3 in a certain instrument bearing date the 29th day of April, 1927 (hereinafter called "Water Power Lease No. 28") whereby His Majesty the King demised and leased unto The Seine River Improvement Company, Limited certain parcels or tracts of land and land covered with water situate lying and being on the Seine River in the District of Rainy River in the Province of Ontario;
- (b) all buildings, erections, equipment, tools, supplies and caretakers' houses situate on the Moose Lake power site location but excluding boats and household furnishings and personal effects within caretakers' houses; and
- (c) the transmission line running from the Moose Lake Plant to the point of junction of the transmission lines from the Calm Lake Power Plant of the Company and the Sturgeon Falls Power Plant of the Company and the property over which such first mentioned transmission line extends.

2. The price payable by the Commission for the assets herein agreed to be sold and purchased shall be the sum of one million, nine hundred and fifty-six thousand dollars (\$1,956,000) payable in cash or by certified cheque on the delivery of the instruments to be delivered by the Company as specified in paragraph 4 hereof. Such delivery and payments shall be made on the day when this agreement becomes binding as hereinafter provided.

3. The Commission agrees that the Company's title to the said assets is satisfactory. It is expressly understood and agreed that Water Power Lease No. 28, License of Occupation No. 1559 presently held by the Company, License of Occupation No. 1560 presently held by the Company, and License of Occupation No. 6094, as amended, presently held by the Company shall be deemed to be terminated upon the completion of the sale and purchase herein provided for and that accordingly neither the said Water Power Lease nor the said Licenses of Occupation nor any of them nor any interest of the Company thereunder nor any interest of the Company in Crown lands nor any right of the Company to flood Crown

lands is included or to be deemed to be included in the assets herein agreed to be sold and purchased. Notwithstanding anything herein contained the Company shall not be required to obtain the consent of any person, firm, corporation, government or governmental authority or agency to the sale or assignment of the said assets or any of them, and the Company makes no representation as to the assignability of its right, title and interest in and to the said assets or any of them.

4. At the time of such payment the Company shall deliver to the Commission four certain transfers, a certain quit claim deed, a certain general conveyance and a certain bill of sale, duly executed by the Company, and a certain release, duly executed by Montreal Trust Company, the form and terms of which instruments have been settled and approved on behalf of the parties and copies of which instruments have been initialled on behalf of the parties for identification.

5. This agreement shall not become binding on the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith, short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF the parties have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS

(Seal)

R. D. MAIN

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman

(Seal)

E. B. EASSON
Secretary

SCHEDULE E

THIS AGREEMENT made in duplicate this 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART;

—and—

STEEP ROCK IRON MINES LIMITED, hereinafter called
the "Company"

OF THE SECOND PART.

WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (therein and hereinafter called the Steep Rock Power Agreement) between the parties hereto, and an agreement (therein and hereinafter called the Supplementary Agreement) between the parties hereto;

AND WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1943*, a further agreement, amending said Steep Rock Power Agreement and the Supplementary Agreement, was ratified, confirmed and declared to be legal and binding upon the parties hereto;

AND WHEREAS The Ontario-Minnesota Pulp and Paper Company Limited (hereinafter called O-M Company) has entered into or is about to enter into a contract of even date with the Commission providing for the purchase by the Commission from O-M Company of the Hydro-Electric Power Plant situate on the Moose Lake Power site location, and other assets, at a price of \$1,956,000.00, such purchase being in pursuance of a plan to relieve the Company from future obligations to the Commission under the Supplementary Agreement;

AND WHEREAS it has been agreed between the parties hereto that upon completion of the sale of the Moose Lake plant to the Commission, the said Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949;

AND WHEREAS as incidental to said sale and purchase of the Moose Lake plant it has been agreed that this agreement should be entered into;

AND WHEREAS it is desirable that certain additional protective works be undertaken, as hereinafter provided;

AND WHEREAS by a contract of even date between the Commission and the O-M Company, the Commission has agreed to maintain and operate the Seine Diversion referred to in certain agreements ratified by *The Steep Rock Iron Ore Development Act, 1942*, and whereas this obligation was assumed by the Commission to further the interest of the Company and facilitate its operations and the Company has agreed to reimburse the Commission for all cost and expense arising therefrom and indemnify and save it harmless against all liability, claims and demands arising therefrom, and with a view to minimizing such costs and expense the Company has requested the Commission to permit the Company to perform whatever is necessary to operate the said diversion.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration, it is agreed between the Commission and the Company as follows:

1. The Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949, except as regards the unsatisfied liability (if any) of the Company to the Commission under the said agreements, as amended, which unsatisfied liability (if any) shall continue in force and effect until discharged by payment thereof.

2. By way of reimbursement for the said purchase price of \$1,956,000.00 to be paid by the Commission to O-M Company, and interest calculated in respect thereof at the rate of 3% per annum, the Company will pay to the Commission on the first day of November in each year, commencing with November 1st, 1950, and continuing up to and including November 1st, 1989, the annual sum of \$86,102.07, unless prior to November 1st, 1989 the normal waterflow in the Seine River through Steep Rock Lake shall have been restored, as in paragraph 3 hereof provided, whereupon the annual payments shall cease.

3. If at any time the Company shall default in making any payment herein provided, and if such default shall continue for a period of two months after the Commission shall have given notice to the Company requiring that such default be remedied on or before a date specified in the said notice, the Commission may and the Company hereby grants to the Commission the right to restore the normal waterflow in the Seine River through Steep Rock Lake and to enter upon, the Company's lands and premises for that purpose and remove and/or destroy such of the Company's works and properties as may be necessary for that purpose and/or to construct such works and perform such operations upon the Company's lands and premises as are necessary for that purpose, and the Company agrees that it will make no claim or demand against the Commission in respect of anything relating to or arising therefrom and will indemnify and save harmless the Commission from all claims and demands of other persons arising therefrom.

The Company will obtain such title to such lands as is necessary to enable the Commission to effect the restoration of the said normal waterflow and will continue to hold such title during the full term of this agreement.

4. If and when required by the Company to do so, the Commission will construct or cause to be constructed for the Company, above or adjacent to the present Moose Lake power plant dams, suitable supplementary or additional protective works designed to prevent or insure against the escape of water from Moose Lake into the area previously occupied by Steep Rock Lake and of a type and size, according to specifications and at a location determined by the Company, provided that the Commission shall not be required to undertake the construction of any works to the extent that the cost thereof shall exceed an aggregate amount of \$300,000.00.

By way of reimbursement for any moneys so expended by the Commission, and interest calculated in respect thereof at the rate of 3½% per annum, the Company will pay to the Commission on the first day of November in each year after the completion of the works referred to in the immediately preceding paragraph an annual sum in such amount as shall provide for the amortization by November 1st, 1989, of the cost of constructing the said works and interest at 3½% per annum.

Notwithstanding anything else herein contained the Commission shall not be obliged to undertake the construction of any works in the nature of or relating to any diversion of water from Moose Lake, save to insure against the escape of water into the area previously occupied by Steep Rock Lake, as provided in the first paragraph of this Clause 4.

5. The Company will assign, transfer and convey to the Commission all its rights and title to or in connection with the control works located at Raft Lake and the cuts or canals from Moose Lake to Raft Lake and from Raft Lake to Finlayson Lake and any and all its interest, right or title in any other lands or water necessary or convenient for the control of the flow of water from Moose Lake. If it is necessary for the control of the flow of water from Moose Lake for the Commission to acquire any lands, water or interest or right therein from any person other than the Company or the Crown, the cost thereof shall be reimbursed to the Commission by the Company.

6. The Commission at the expense of the Company, will at all times keep the said cuts or canals and the Esker Cut at the south end of Finlayson Lake in such condition as to permit an uninterrupted flow of water from Moose Lake to Finlayson Lake, and will endeavour at all times to

so cause the control works at Raft Lake to be operated that the level of waters above the Raft Lake control works, shall not be raised beyond the 1365 foot level. Should the Commission at any time or times fail to keep said cuts or canals in condition to permit such uninterrupted flow of water, or fail to cause such control works to be so operated that the 1365 foot level shall not be exceeded, the Company shall have the right to enter upon the said lands and works controlled by the Commission and to do what shall be necessary to remedy such failure and to implement the provisions of this paragraph.

7. The Commission hereby engages the Company to operate the said control works at Raft Lake and any other control works which are necessary to enable the Commission to control the flow of water from Moose Lake, and the Company in consideration of the premises, agrees to do so without further remuneration. The Company will, at its own expense and without charge to the Commission, operate the said control works in such manner as to implement the Commission's obligations in that regard under its said contract with the O·M Company. In the event of the Commission being obliged to incur any cost or expense arising from the maintenance and operation, of the Seine Diversion as now or hereafter made by the Company, the Company will reimburse the Commission therefor.

8. The Company hereby exonerates and releases the Commission of and from all liability and obligation for loss or damage of any character which the Company or any successor or assign of the Company or any person, firm or corporation claiming through or under the Company may suffer or sustain, arising or growing out of or based upon any escape of water from Moose Lake, and will indemnify and save harmless the Commission from all liability to or claims and demands of other parties arising therefrom. The Company will not permit or suffer any buildings or erections to be constructed or maintained within what was formerly the basin of Steep Rock Lake, except such buildings or erections as might be necessary for its own operation, and will not permit the presence of persons or property in such basin, except subject to the condition that the Commission shall not be liable for loss of or damage or injury to such person or property by reason of such escape of water.

9. This agreement shall not become binding upon the parties hereto unless and until an Act of Legislature of the Province of Ontario shall have been passed at the present session of the Legislature validating this agreement and terminating the agreements set out in Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and amendments thereto, except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement set out in the said Schedule D in respect of any claim based on any escape of water arising prior to the time of such termination, and shall have been given Royal Assent and been brought into force prior to April 15th, 1949, whereupon this agreement shall be binding and shall have effect in accordance with its terms.

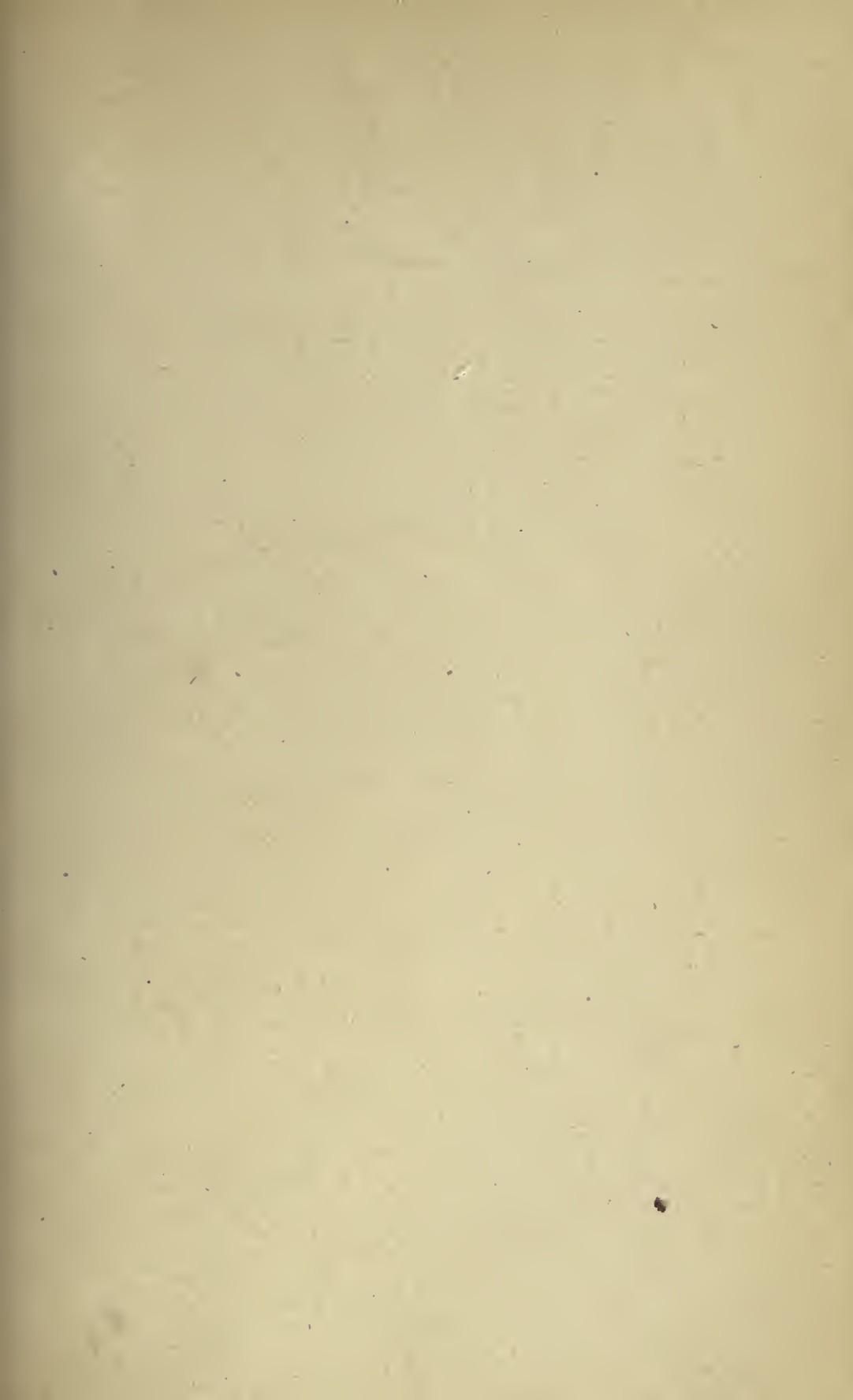
IN WITNESS WHEREOF the Company and the Commission have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

ROBERT H. SAUNDERS
Chairman
(Seal)
E. B. EASSON
Secretary

STEEP ROCK IRON MINES LIMITED

D. M. HOGARTH
President
(Seal)
BLANCHE CARD
Asst. Secretary



BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Ore Mines Limited, The Ontario Minnesota Pulp and Paper Company Limited and His Majesty the King.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario,
Steep Rock Iron Mines Limited, The Ontario-Minnesota Pulp
and Paper Company Limited and His Majesty the King.

MR. FROST

No. 161

1949

BILL

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in *The Power Commission Act* or any other Act of this Legislature but subject to subsection 2,—

Rev. Stat.,
c. 62.

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule A, relating to the leasing of certain water power sites and other matters as therein provided;
- (b) the agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule B, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) the agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario dated the 15th day of March, 1949, set out as Schedule C, relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) the agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario dated the

15th day of March, 1949, set out as Schedule D, relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and

- (e) the agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 15th day of March, 1949, set out as Schedule E, relating to the construction of a dam and other matters as therein provided,

when executed and delivered are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns.

When agreements to become binding.

(2) Notwithstanding anything contained in the lease set out as Schedule A or in the agreements set out as Schedules B, C, D and E the said lease and agreements shall not become binding upon the parties thereto until the day this Act comes into force.

Powers of Commission with respect to certain agreements.

2.—(1) The Hydro-Electric Power Commission of Ontario is authorized to construct, maintain and operate dams, control gates and all other works for the storage and control of water necessary to enable it to perform its obligations under the agreement set out as Schedule C and the agreement set out as Schedule E, and for such purposes to enter upon, take possession of, expropriate and use any land, lake, river, stream or other body of water, or any watercourse, channel, water diversion or canal, and to divert or alter the boundaries or course of any lake, river, stream, or other body of water, or of any watercourse, channel, water diversion or canal, and to raise or lower the level of the same and to flood or overflow any land.

Additional powers.

Rev. Stat., c. 62.

(2) In relation to all matters authorized by subsection 1 the Commission shall have, and may exercise and enjoy, all the powers conferred upon it by subsections 3, 4, 5 and 6 of section 21 of *The Power Commission Act* in relation to matters authorized by the Lieutenant-Governor in Council under any of the provisions of section 21 of *The Power Commission Act* and the provisions of subsections 3, 4, 5, 6 and 7 of section 21 of *The Power Commission Act* shall apply to all matters authorized under subsection 1.

Idem.

(3) Subsection 8 of section 21 of *The Power Commission Act* shall apply in relation to all matters authorized by subsection 1 with the substitution of the words "pursuant to subsection 1 of section 2 of *The Steep Rock Iron Ore Development Act, 1949*" for the words "pursuant to any authorization of the Lieutenant-Governor in Council under this section".

3.—(1) Any profits that have heretofore arisen or that Profits. hereafter arise from any agreement at any time made between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited in any territorial district in Ontario and any profits that arise under the agreement set out as Schedule B shall be credited to the account for Northern Ontario Properties of The Hydro-Electric Power Commission of Ontario under any agreement with His Majesty the King under section 47 of *The Power Commission Act.*

(2) Any losses that heretofore have arisen or that hereafter Losses. arise from any agreement for the supply of electrical power or energy referred to in subsection 1 or from any other agreement hereafter made for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited shall be charged to the account referred to in subsection 1.

(3) Any money that becomes due to The Hydro-Electric Disposition of moneys. Power Commission of Ontario under the agreement set out as Schedule E and that is not paid shall be charged to the account referred to in subsection 1 and if subsequently paid shall be credited thereto.

(4) The cost to The Hydro-Electric Power Commission of Disposition of losses. Ontario of anything done pursuant to the agreement set out as Schedule C and the losses arising out of indemnities or guarantees given by The Hydro-Electric Power Commission of Ontario under that agreement, for which it is not reimbursed by Steep Rock Iron Mines Limited pursuant to the agreement set out as Schedule E shall be charged to the account referred to in subsection 1, and if subsequently paid shall be credited thereto.

4.—(1) No action shall be brought or be maintainable Certain actions against O.-M. prohibited. against The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns in respect of any claim arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake or relating to the Seine Diversion or the manner in which the same are maintained and operated.

(2) Such powers of expropriation as were exercisable by Expropriation powers. The Seine River Improvement Company Limited when *The Steep Rock Iron Ore Development Act, 1942* came into force may be validly exercised by The Ontario-Minnesota Pulp and Paper Company Limited in the same manner and to the same extent as if Part XIII of *The Companies Act* applied to Rev. Stat., c. 251. The Ontario-Minnesota Pulp and Paper Company Limited.

Termination
of certain
agreements.

5. The agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreements set out in the said Schedules B and C shall remain binding upon the parties thereto until the lease set out as Schedule A and the agreements set out as Schedules B, C, D and E to this Act have been executed and delivered and have become binding and thereupon the agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreement set out in the last-mentioned Schedules B and C shall terminate except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement made the 10th day of April, 1942, between The Ontario-Minnesota Pulp and Paper Company Limited, Steep Rock Iron Mines Limited and The Seine River Improvement Company Limited set out as Schedule D to the said Act, which obligations shall continue in full force and effect in respect of any claim based on any escape of water arising prior to the time of such termination.

1942, c. 35;
1943, c. 29;
repealed.

6. *The Steep Rock Iron Ore Development Act, 1942* and *The Steep Rock Iron Ore Development Act, 1943* are repealed.

Commencement
of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation, provided that no such Proclamation shall be issued after the 15th day of April, 1949, or shall name a day after the 15th day of April, 1949.

Short title.

8. This Act may be cited as *The Steep Rock Iron Ore Development Act, 1949*.

SCHEDULE A
WATER POWER LEASE

No. 115

PROVINCE OF ONTARIO

Dated the 15th day of March, 1949

HIS MAJESTY THE KING in right of Ontario, represented by the Minister of Lands and Forests (hereinafter referred to as "the Crown")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE OTHER PART

The parties hereto hereby agree to and with each other as follows:

1. The Crown demises and leases unto the Company, the certain parcels or tracts of land and land under the waters of the Seine River in the District of Rainy River in the Province of Ontario being water power sites at Sturgeon Falls and Calm Lake and being more particularly described in Schedules A and B hereto, together with all advantages and appurtenances which may during the term hereby granted be held, occupied or enjoyed therewith, for a period from the First day of April, 1949 to the Thirty-first day of March, 1989, inclusive, subject to the following rates, terms and conditions:
2. The use by the Company of the areas in Schedules A and B hereto from the First day of April, 1947 to the Thirty-first day of March, 1949, is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28. The use by the Company of the balance of the areas demised to the Company under Water Power Lease No. 28 from the First day of April, 1947 to the date of the completion of the sale of the Moose Lake plant and certain other assets by the Company to The Hydro-Electric Power Commission of Ontario pursuant to agreement of even date here-with is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28.
3. The Company shall pay annually to the Crown in advance, a minimum payment of \$3,750.00, commencing on the 15th day of April, 1949 and on or before the 15th day of April in each and every year during the continuance of these presents.
4. If during any period extending from the First day of April to the Thirty-first day of March next following, the Company shall at the two sites develop more than 3,333 average horse power, the Company shall pay the Crown for any average horse power developed beyond the said amount, at the permanent rate of One Dollar and twelve and one-half cents (\$1.12½) per average horse power developed per annum.

5. The excess above 3,333 average horse power developed per annum shall be computed from data which the Company shall submit to the Crown on or before the Thirtieth day of April in each succeeding year and which shall be a certified yearly statement compiled from monthly records setting out the total average horse power developed at each site during each month of the period and also showing for each power site development the mean elevations of head water and tail water, the operating head and the volume of water in cubic feet per second passing through the different openings.

6. The Company shall pay the Crown the amount due for average annual development at the two sites in excess of 3,333 horse power on or before the Thirty-first day of May in each and every year next following the period during which such horse power was developed.

7. The Company shall maintain the developments already made, and shall utilize the water privileges situated on the lands hereby demised by maintenance of all necessary works and all necessary plant and machinery on the said lands for the generation of electricity, or the production of some other form of power by means of the water flowing in or over those portions of the bed of the river situate on the lands hereby demised to the full extent and capacity.

8. The Company shall use the power so developed in the operation of machinery or some other commercial, mechanical or industrial purpose (provided that the power so developed shall not be used for the production of steam during any period when there is a shortage of electrical power in the Fort Frances area) or if the power so developed or any part thereof shall not be required for such purpose or purposes by the Company, the power not so required from time to time by the Company shall be furnished upon written request of the Minister to The Hydro-Electric Power Commission of Ontario or to any other person or corporation requiring the same up to the amount of power required or in demand.

9. Whenever so required by the Minister, the Company shall execute and deliver to any person or corporation operating a mine, or to any other person, corporation or commission with a bona fide demand for power, a contract to deliver power for any industrial, mining, domestic, rural or municipal use or purpose at such points on any transmission line operated by the Company in connection with its water power sites at Sturgeon Falls and Calm Lake to such amount, and upon such terms and conditions as to rate, security for payment or otherwise, as the Minister may determine.

10. No power developed under the terms of this Lease shall be exported from the Province of Ontario except under the authority of an Order-in-Council. Application by the Company for authority to export power shall be made to the Minister by registered mail at least thirty (30) days before the date of the intended export of power. Notice of intention to apply for such authority shall, at the same time as such application is made, be sent by registered mail to The Hydro-Electric Power Commission of Ontario and to the Clerk of the Corporation of the Town of Fort Frances.

11. Upon report being made by the Minister to the Lieutenant-Governor in Council that the water privileges aforesaid have not been developed and utilized to the full extent of their capacity by the works constructed, or the water wheels, plant and machinery installed by the Company and that there is a bona fide demand for power in excess of the quantity of power developed and utilized by the Company, which might in whole or in part be supplied from the water privileges aforesaid, then the Lieutenant-Governor in Council may by Order in Council require the Company to develop and render available for use the additional quantity of power so shown to be undeveloped and capable of development or any part thereof, by the construction of the necessary works, the location of water wheels and the installation of suitable and necessary plant and machinery on the said lands within a period of time to be named in the said Order, and in default of compliance with the said requirements, the Lieutenant-Governor in Council may order and direct that this Lease shall be forfeited and cancelled and the same shall be forfeited and cancelled accordingly.

12. For the purpose of ascertaining the quantity of power actually developed or capable of development from the water privileges aforesaid or the quantity of power exported from the Province or the amount of rental payable hereunder by the Company, the Minister or any engineer appointed by him for that purpose shall at all times have authority to enter upon the said lands hereby demised or any buildings or works erected thereon or any part thereof, or any other lands, buildings or works on or in or by means of which power from the said privileges is developed, and examine and inspect the same, and take measurements and make observations and shall have free access to all books, plans or records

bearing on the said quantity of power. Any calculations of the quantity of power developed or capable of development from the said water privileges or of the amount of rental payable hereunder made by the Minister or by such engineer shall be binding upon the Company.

13. Should any person, corporation or commission receiving power from the Company for distribution, or any other person, corporation or commission desirous of obtaining power as aforesaid, fail to agree upon the rate or price to be paid for the same, or the terms and conditions for supplying the same, either party may submit the matter to the Minister, and any order made by the Minister fixing and determining the said rates and conditions shall be final and conclusive and binding upon all parties concerned.

14. In the case of submission to the Minister, as in the preceding paragraph, the Company, if so required by the said Minister, shall produce all books, accounts, records and statements, verified by affidavit, of the cost of constructing, equipping and maintaining the works for the development of the said privileges hereby demised, and delivering the power therefrom.

15. The granting hereof or the requirements herein as to the development of power from the said water privileges shall not be deemed to be a guarantee by the Minister that any quantity of power is capable of being generated from the said privileges, and the Company shall have no recourse against the Minister, or the Government of Ontario, if power cannot be generated therefrom.

16. Upon the complaint in writing to the Minister by any municipal corporation, company or person, that any municipal corporation, company or person receiving power from the Company is charging for electric lighting or heating or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power received from the Company for the purpose of granting a bonus by supplying power, light or heat below cost, the Minister may refer the complaint to The Hydro-Electric Power Commission of Ontario for hearing and adjudication under the powers contained in Chapter 62, Revised Statutes of Ontario, 1937, and the findings and directions of The Hydro-Electric Power Commission shall be final and conclusive.

17. The Company shall not have the power or authority under these presents to overflow or cause to be overflowed any land or lands other than those hereby demised, and it is distinctly understood and agreed that should any lands other than those herein demised be overflowed or damaged, the Crown or the Government of Ontario shall in no wise be responsible for damage done thereto to the owner or owners thereof.

18. During the continuance of this Lease, the Company shall keep and maintain all dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works necessary for the development and use of the water powers or privileges aforesaid in good repair and condition and shall not wilfully or otherwise injure or destroy the same or any part thereof, but at the expiry or sooner determination thereof, shall leave all such structures and works in good repair and condition, reasonable use and wear thereof and damage by fire and tempest only excepted, and so that their subsequent usefulness shall not be lessened by any act of the Company.

19. The Company shall not destroy or obstruct the navigation of the said Seine River or any other river, stream, lake or other body of water flowing into or out of the same which was previously navigable, and the Company shall provide such locks, canals, passages and other means as may be necessary for the proper and safe surmounting or passing of any dam, weir or other work made or erected by the Company and as may be required for purposes of navigation by the Government of Canada.

20. The granting of these presents shall not interfere with, lessen, or restrict the right of timber owners or others to drive their logs or timber down the said Seine River, or that part of it hereby demised, and full and proper provision shall be made by the Company for the safe and convenient passage of logs and timber past the said power developments.

21. At the expiry or sooner determination of this Lease, the said lands hereby demised, together with the water power privileges aforesaid, shall revert to and become the property of the Crown as fully as if these presents had never been executed, together with all buildings, dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works situate thereon, provided nevertheless that within a reasonable time to be fixed by the Minister, the Company may remove all machinery employed by it in the development or use of the said water powers or privileges, but failing such removal within the time so fixed, such machinery shall become the property of and be vested in the Crown to all intents and purposes whatsoever. Provided that where any such buildings or structures are of a permanent character and necessary or useful for the proper development and utilization of the water privileges aforesaid, the Lieutenant-Governor in Council may upon report in that behalf by the Minister, pay the Company by way of compensation therefor and purchase thereof, such sum or sums as he may deem proper upon the same being appropriated for the purpose by the Legislative Assembly of the Province.

. 22. The Minister may cancel this Lease for non-payment of the rent hereby reserved as aforesaid within ninety days after the time the same is payable, whether the same has been demanded or not, or if the conditions as to the construction, maintenance or operation of the works or the development or supply of power have not been complied with or if the Company has continually failed or neglected for the space of one year effectually to produce power from the said privileges either for its own use or for that of other persons unless hindered by unavoidable accident, or if the Company has failed or neglected to comply with any of the conditions hereof or any Order-in-Council respecting any matter or thing arising hereunder concerning which such Order-in-Council is made.

23. Ten days' notice in writing shall be given the said Company before any such cancellation in order that it may have an opportunity of being heard should it so desire.

24. The acceptance of rent hereunder shall not be deemed to be a waiver of any of the terms or conditions herein expressed concerning the construction of works, development or supply of power or otherwise.

25. These presents and the term hereby created shall not be assigned or transferred without the written consent of the Minister.

26. The sending of a notice by prepaid and registered letter addressed to the Company at Kenora, Ontario, shall be good and sufficient service of any notice which must be given to the Company under the provisions of these presents.

27. The Company covenants that this lease is accepted by it subject to any rights of His Majesty in right of Canada to control the navigation of the Seine River and the Company hereby covenants and agrees that under these presents it shall have no recourse against His Majesty in right of the Province of Ontario by reason of any damage that may hereafter be sustained by the Company in consequence of any works constructed or to be constructed or authorized by His Majesty in right of Canada in connection with improvement of the navigation of the Seine River, or otherwise caused by the exercise by His Majesty in the right of Canada of any rights to control navigation.

28. These presents shall extend to and be binding upon and enure to the benefit of the parties hereto, their administrators, assignees and successors respectively.

29. This Lease shall be subject to all Acts of the Legislature of the Province of Ontario of general application throughout the said Province which are now or which may hereafter be in force and all regulations of general application throughout the said Province duly made under the provisions of any such Acts, and the same shall be binding upon and enure to the benefit of the Company and shall apply to its operation under this Lease as fully and effectually as if they had been set forth herein.

30. This Lease shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this Lease and certain agreements of even date herewith, short particulars of which are as follows:

(a) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

(b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario, relating to the maintenance and operation of certain dams and of the Seine River Diversion and other matters as therein provided;

(c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

(d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed, whereupon this Lease shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF The Honourable H. R. Scott, Minister of Lands and Forests, has hereunto set his hand and seal of the Department of Lands and Forests and The Ontario-Minnesota Pulp and Paper Company Limited has hereunto set its seal over the signatures of its proper signing officers in that behalf.

R. H. SCOTT
Minister of Lands and Forests
(Seal)

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY, LIMITED

By DONALD D. DAVIS
President
R. D. MAIN
Secretary
(Seal)

Schedule A to Water Power Lease No. 115

Dated 15th March 1949

Sturgeon Falls Power site location. Comprising land and land under water at Sturgeon Falls on the Seine River, being composed of mining locations P 728, H P 158 and parts of mining locations G 278, H P 726, H P 727, 274X, H P 157, and part of the bed of the Seine River and road allowance on each side adjacent thereto, described as follows,—

Commencing at the southwesterly angle of mining location P 728; thence north along the westerly limit of said mining location fifteen hundred (1500) feet; thence due west six hundred and fifty (650) feet; thence due north nine hundred and fifty-seven and four tenths (957.4) feet more or less to the southerly limit of the right of way of the Canadian National Railway; thence easterly and along said last mentioned southerly limit, six hundred and fifty-five and three tenths (655.3) feet more or less to a point in the same north astronomically of the northwesterly angle of said mining location P 728; thence north astronomically to a point in the same three hundred and sixty feet from the northwesterly angle of said mining location P 728; thence east astronomically five thousand four hundred and thirteen and three tenths (5413.3) feet more or less to a point due north of the northeast angle of mining location H P 158; thence

south astronomically to the northeast angle of mining location H P 158; thence continuing south along the easterly limit of the said mining location H P 158 to the southeast angle thereof; thence west along the south limit of said mining location H P 158 eighteen hundred and seventy nine feet (1879) more or less to the easterly limit of mining location H P 157; thence south astronomically one thousand and eighty (1080) feet; thence west astronomically two thousand nine hundred and fifty (2950) feet more or less to the westerly limit of the road allowance along the westerly shore of the Seine River; thence northerly and along the said westerly limit to the intersection of the same with the northerly limit of mining location K 271; thence westerly along the northerly limit of said mining location K 271 to the place of commencement, excluding therefrom the right of way of the Canadian National Railway across said described area, said parcel containing three hundred and forty-nine and thirty-one hundredths (349.31) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company."

Schedule B to Water Power Lease No. 115

Dated 15th March 1949

Calm Lake Power site location. Comprising land and land under the water on Seine River in the township of Bennett, being composed of parts of broken lot 1, concession 3, part of lot 2, concession 4, part of mining locations H P 161, H P 159, part of the bed of Seine River and the original road allowance adjoining the same described as follows,—

Firstly,—Part of Lot 1, Concession 3, township of Bennett, parts of mining locations H P 161, and H P 159, and the Seine River and road allowance, commencing at a point in the westerly limit of broken lot 1, in the 3rd concession, of the township of Bennett, distant two thousand six hundred and forty (2640) feet measured south along said limit from the northwest angle of said broken lot, thence south along the west limit of said broken lot to the intersection with the high water mark on the northwesterly shore of the Seine River; thence continuing southerly, following the irregularities of said high water mark down stream to a point where the south limit of mining location H P 161 produced westerly would intersect the same; thence easterly along said production and the south limit of mining location H P 161 to the south east angle thereof; thence north along the east limit of mining location H P 161, one thousand nine hundred and eighty (1980) feet more or less to the northeast angle thereof; thence east along the south limit of mining location H P 159, six hundred and forty (640) feet to the southerly production of the easterly limit of the township of Bennett; thence north astronomically two thousand two hundred (2200) feet more or less to the intersection with the high water mark on the southeasterly shore of the Seine River; thence north forty-five (45) degrees west astronomically, across said Seine River, to the high water mark on the northwesterly shore; thence southwesterly following the said high water mark to a point due east from the point of commencement; thence west astronomically one thousand (1000) feet more or less to the place of commencement, said parcel containing one hundred and sixty-four (164) acres more or less, as shown outlined in pink on a plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Secondly,—Part of lot 1, concession 3, township of Bennett;—Commencing at the northwesterly angle of lot 1, in the 3rd concession of said township of Bennett; thence southerly along the westerly limit of said lot 1, six hundred and sixty (660) feet; thence due east six hundred and sixty (660) feet; thence northerly and parallel to aforesaid westerly limit six hundred and sixty (660) feet more or less to the northerly limit of said lot 1; thence westerly and along the northerly limit of said lot 1, six hundred and sixty (660) feet more or less to the place of commencement, said parcel containing ten (10) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Thirdly,—Part of lot 2, concession 4, township of Bennett;—Commencing at a point in the southerly limit of lot 2, in the 4th concession of the township of Bennett, distant three hundred and thirty feet (330') measured west from the southeasterly angle thereof; thence northerly and parallel to the easterly limit of the said lot 1, one thousand nine hundred and eighty (1980) feet; thence due west three hundred and thirty (330) feet; thence southerly and parallel to the easterly limit of said lot 2, one thousand nine hundred and eighty (1980) feet more or less to the southerly limit of said lot 2; thence easterly and along the said southerly limit three hundred and thirty (330) feet more or less to the place of commencement, said parcel containing fifteen (15) acres more or less, as shown outlined in pink on a plan made by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

SCHEDULE B

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called the "Commission")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called the "Company")

OF THE OTHER PART

WHEREAS the Commission acting under *The Power Commission Act*, R.S.O. 1937 chapter 62 and amendments thereto is willing to enter into an agreement for the supply of electric power on the terms and conditions herein contained;

AND WHEREAS the Company is a company duly incorporated under the laws of the Province of Ontario with head office at the Town of Kenora in the said Province;

AND WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by His Majesty the King and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (hereinafter called "the 1942 Power Contract") between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited, dated the 10th day of April, 1942, set out in Schedule A to the said Act and relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

AND WHEREAS the Commission has been supplying electric power to the Company under the provisions of the 1942 Power Contract;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No. 28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege subject to the impracticability as aforesaid of operating the Moose Lake plant;

AND WHEREAS the Crown in right of the Province of Ontario has

requested that the Moose Lake plant and certain other assets should be sold by the Company to the Commission and the Company has agreed to sell the Moose Lake plant and such other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual and respective covenants and agreements of the parties and other considerations herein contained the parties hereby covenant, promise and agree as follows:

1. The Commission agrees to reserve for and deliver to the Company ten thousand five hundred (10,500) horse power of electrical power and energy as firm power under the conditions and at the point of delivery herein specified such delivery to commence on the date upon which this agreement becomes binding as hereinafter provided and to continue up to midnight on March 31, 1989.

2. In addition to the firm power to be supplied pursuant to clause 1 the Commission agrees also to deliver additional power, hereinafter called "supplementary power", to the Company from time to time but only when and in such amounts and for such periods as the Commission is willing to supply and the Company is willing to take it and subject to reduction and/or interruption in whole or in part by the Commission at any and all times and for such duration of time as the Commission in its sole discretion may from time to time will and direct.

3. The Commission agrees to deliver all power hereunder at the junction of the transmission lines from the Calm Lake plant of the Company and the Sturgeon Falls plant of the Company hereinafter called the "point of delivery".

4. The Commission agrees to deliver the firm power as commercially continuous twenty-four (24) hour power every day in the year except as provided in this agreement and to deliver supplementary power pursuant to the provisions of clause 2.

5. If in any month the Company takes power so that the average demand for any twenty (20) consecutive minutes is in excess of ten thousand five hundred horse power (10,500 h.p.) such excess shall be deemed to be supplementary power, except to the extent that such taking is due exclusively to inadvertence, accident, exigencies created by operation of systems in parallel, or other cause reasonably beyond the control of the Company. The taking of such excess shall not thereby constitute an obligation on the part of the Commission to reserve and/or deliver power increased to any extent over its obligations under clause 1 but for such month the Company shall pay for supplementary power as if such excess had been taken for the whole month, but such payment shall not confer upon the Company any right to take such or any excess power free from the restrictions thereon specified in clause 2.

6. All power delivered under this agreement shall be alternating three-phase having a frequency of approximately sixty (60) cycles subject to ordinary variations of approximately five per cent. (5%) and a nominal voltage of approximately one hundred and ten thousand volts (110 kv.) which nominal voltage it is agreed is in magnitude only commercially suitable for the operation in parallel of the Company's system with that of the Commission.

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include energy.

One horsepower (1 h.p.) shall be equivalent to seven hundred and forty-six Watts (746 W.).

7. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein.

(b) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission, the Company agrees at all times to take and use the power in such manner that the power factor (that is, the ratio of the kilowatts to the kilovolt amperes, determined simultaneously at the point of measurement) shall be not less than ninety per cent (90%); except that such taking, using and operation on the part of the Company shall not at any time obligate or require the Company to supply and deliver reactive kilovolt amperes to the Commission's system.

(c) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission the Commission agrees at all times either to maintain and operate the electric generating units at the Moose Lake plant as synchronous condensers or to provide and operate substitute equipment of equal or greater efficiency and to further provide such other equipment or facilities as may be necessary to enable the Commission to fulfill its obligations hereunder in respect of voltage levels.

8. The Company agrees to make all payments to be made to the Commission under this agreement in lawful money of the Dominion of Canada, at Toronto, and to pay in monthly payments to the Commission on the twentieth (20th) day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the tenth (10th) day, or if the bill be rendered after the tenth (10th) day then ten (10) days after the date of rendering; provided that all payments in arrears after the said date for payment shall bear interest at the rate of five per cent. (5%) per annum.

9. THE COMPANY AGREES:

(a) To pay for firm power delivered to the Company hereunder at the rate of sixteen dollars (\$16) per horsepower per year; and

(b) To pay for supplementary power delivered to the Company hereunder at the following prices and in the following manner, namely:

- (i) From the greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month as determined from the indications of the Commission's metering equipment hereinafter referred to shall be deducted the ten thousand five hundred (10,500) horsepower of firm power provided for under clause 1 hereof and the balance of such power shall be deemed to be supplementary power. All supplementary power so determined shall be paid for by the Company as regards the first one thousand (1000) horsepower thereof at the rate of nineteen dollars (\$19) per horsepower per year and as regards all such power in excess of the said first one thousand (1000) horsepower at the then prevailing rate at which the Commission is selling electrical power or energy of the same class, characteristics and quality to customers engaged in the manufacture of pulp and paper and taking power from the Commission's Northern Ontario Properties;
- (ii) From the total number of kilowatt-hours delivered to or taken by the Company in any month as indicated on the Commission's metering equipment hereinafter referred to shall be deducted an amount of energy which is equivalent to the said greatest average demand referred to in subclause (b) (i) of this clause 9 calculated at a monthly load factor of 85%, and the balance shall be deemed to be excess energy hereunder, and shall be paid for by the Company at a rate of three and one-half (3½) mills per kilowatt-hour;

Notwithstanding the provisions of subclauses (b) (i) and (b) (ii) of this clause 9 the Company shall not be obliged in any event to pay to the Commission for firm power more than sixteen dollars (\$16) per horsepower per year plus any excess energy charge payable under the provisions of subclause (b) (ii) of this clause 9.

10. The Company agrees to pay to the Commission during the con-

tinuance of this agreement the sum of two thousand dollars (\$2,000) per annum as a contribution towards the cost to the Commission of maintaining and repairing the transmission line from the Moose Lake plant to the point of delivery, such amount to be paid on or before the 15th day of April in each year commencing with the year 1950.

11. THE COMPANY AGREES:

(a) To take the power covered by this agreement in accordance with the terms hereof and to discontinue or decrease taking supplementary power when required by the Commission to do so, and to prepare for the receipt and use of the said power so as to be able to receive power at the time or times when the Commission is required to deliver the same pursuant to the provisions hereof.

(b) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as practicable, and in any event with the difference between any two phases not greater than five per cent. (5%), and if at any time the difference between any two phases be increasing so as likely to exceed, or should exceed the said five per cent. (5%), to so adjust their load upon instructions from the Commission as to comply with this requirement.

(c) To use at all times suitable standard commercial machinery, plant and works in addition to electrical works and to operate and maintain the said machinery, plant and works so as not to cause more than minimum disturbance to or fluctuation in the Commission's power supply, or facilities used by the Commission to supply power hereunder, and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Company along with the said power supply and facilities.

12. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment, including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission;

(b) The greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month determined from coincident readings of the said meters, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Company in the said month;

(c) The point of measuring the power covered by this agreement shall be determined by the parties;

(d) Whenever the said measuring equipment is connected at other than the point of delivery the readings shall be subject to correction and shall be corrected to give results such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission;

(e) The records from the said meters shall be taken and recorded by the Commission on suitable forms and such records on file with the Commission shall be available to the Company at all reasonable times for inspection and information. The Company shall have the privilege of maintaining upon the Commission's premises at the point of measurement suitable equipment for measuring power hereunder;

(f) The Company if requested by the Commission shall provide free of charge a safe and suitable location at the point of delivery for the installation of the Commission's measuring equipment;

(g) The Commission may test, calibrate, adjust or change said measuring and other equipment or any part thereof at any reasonable time, but when possible the Company shall be advised at least three (3) days in advance of the Commission's intention so to do;

(h) The Company shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Company's desire to test such measuring equipment;

(i) The Commission shall repair or replace and retest its defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

(j) Access to any measuring equipment and to any apparatus, equipment and works belonging to one party and on the property of the other party shall be free to the representatives of both parties at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal of their respective apparatus, equipment and works, and the said representatives may do any of these things;

(k) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 12 and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment, except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts.

13. (a) In case the Commission shall, at any time or times be prevented from delivering said firm power, or any part thereof, by strikes, lockouts, riots, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, act of God, the King's enemies, order or regulation of the Dominion of Canada, or any other similar cause or causes reasonably beyond its control, then to the extent of such prevention, the Commission shall not be bound to deliver power during such time. The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption is removed, the Commission shall, without any delay, deliver said firm power as aforesaid;

(b) The Commission shall have the right at all reasonable times and when possible after reasonable notice has been given to the Company to discontinue, to the extent deemed necessary by the Commission, the supply of firm power hereunder for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works used for the delivery of power hereunder, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Company; and the Company shall not thereby be released from any obligation under this agreement;

(c) If the Company at any time fails in the performance of any of its obligations affecting electrical operation under this agreement, including without limiting the generality of the foregoing, taking power in excess of the maximum hereunder or taking supplementary power when requested by the Commission not to take such power, the Commission may give notice thereof to the Company by a representative of the Commission and the Company shall immediately remedy the said failure; in case of continued failure, then the Commission may discontinue delivery to the Company of all power or of any part thereof, and shall not be obligated to resume delivery to the Company until the Company shall have given to the Commission sufficient assurance that such failure will not recur; in such case the Company shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement.

14. The Company hereby grants to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of its lands as may be necessary or expedient to the Commission for the supply of power to the Company, the location thereof to be satisfactory to the Company; the said rights, wayleaves and easements to be for the term of this agreement and thereafter until ninety (90) days' written

notice from the Company to remove the Commission's works shall have been given and shall have expired; if the Company requires relocation of the Commission's works, the Company shall furnish on its lands an equivalent location; the Commission shall do the work of relocation and the Company shall pay the cost up to the extent such works supply power to the Company.

15. One or more representatives or engineers of the Commission appointed for this purpose, may at any reasonable time during the continuance of this agreement, have access to the Company's premises to inspect the works therein for the purposes hereof and to take records therefrom as required hereunder, and may do any of these things.

16. The Company shall assume all risk of and liability for and be responsible for any and all injury, damage and loss to property of the Commission on the premises of the Company or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement, or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission; the Company shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith.

17. If after termination of this agreement power be taken by the Company from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement, provided that such power should be paid for at a rate to be agreed upon on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Company any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Company and the Company shall not be obliged to take power after the termination of this agreement.

18. Any waiver by any party or failure by it to exercise its rights or enforce any of its remedies hereunder shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement, or in any other way affect the validity of this agreement or estop such party from pursuing any other remedy it may have and all rights and remedies of either party may be exercised and continued concurrently or separately.

19. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this agreement or concerning anything herein contained or hereby provided for or arising herefrom or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to arbitration under *The Arbitration Act* of the Province of Ontario and shall be determined in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario and when possible in a summary manner. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively, except that either of them may appeal from, move to set aside, vary or refer back any award as provided in the said *The Arbitration Act*, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited; no such disagreement, dispute, difference or question shall entitle the Commission (pending the determination of the dispute by arbitration as aforesaid) to withhold delivery of firm power.

20. Wherever in this agreement it is provided that notice may be given by either party to the other, such notice shall be in writing, shall be signed by the party giving such notice, and if such party is a corporation, by an officer thereof, and shall be deemed given to the party to whom such notice is directed when delivered at the address of such

party given below, and a copy thereof shall have been forwarded by registered mail addressed to the party to whom such notice is directed; until otherwise directed in writing by the respective parties, notices to the Company shall be addressed as follows:

The Ontario-Minnesota Pulp and Paper Company Limited,
500 Baker Arcade Building,
Minneapolis, Minnesota

and notices to the Commission shall be addressed as follows:

The Hydro-Electric Power Commission of Ontario,
620 University Avenue,
Toronto, Ontario

provided that the provisions of the within clause shall not apply to the notice referred to in clauses 12 (h) and 13 (c) hereof.

21. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

Provided that when this agreement shall have become binding in accordance with the foregoing provision it shall remain in force for the period during which the Commission is required to deliver power under the provisions hereof.

22. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

In WITNESS WHEREOF the parties hereto have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman
(Seal)
E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President
(Seal)
R. D. MAIN
Secretary

SCHEDULE C

THIS AGREEMENT made in triplicate the 15th day of March, 1949,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE FIRST PART

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE SECOND PART

—and—

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, represented by the Minister of Lands and Forests (hereinafter called "the Crown")

OF THE THIRD PART

WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by the Crown and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls Plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake Plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake Plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No. 28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege to the full extent of the capacity thereof having regard to the impracticability as aforesaid of operating the Moose Lake Plant;

AND WHEREAS the Company has agreed to sell the Moose Lake Plant and certain other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

AND WHEREAS by Water Power Lease No. 115 of even date herewith granted by the Crown of the one part to the Company of the other part, among other things the Crown has leased to the Company the water power sites upon which the Calm Lake Plant and the Sturgeon Falls Plant are situated for a period terminating March 31, 1989 upon the terms and conditions therein set out;

AND WHEREAS by agreement of even date herewith between the Commission and the Company (hereinafter called "the 1949 Power Contract") the Commission has agreed to supply power to the Company on the terms and conditions therein set out;

AND WHEREAS the Company is dependent for the successful operation of the Calm Lake Plant and the Sturgeon Falls Plant on the regular and uninterrupted flow of water to the Calm Lake Plant and the Sturgeon Falls Plant;

AND WHEREAS the parties have agreed that the foregoing recitals shall be conclusively deemed to be correct and shall not be open to question by any of them as evidenced by their execution of this agreement;

NOW THEREFORE in consideration of the premises and the mutual and respective covenants and agreements of the parties, the parties hereby covenant, promise and agree as follows:

1. The Commission agrees that it will during the period commencing on the date upon which this agreement becomes binding as hereinafter provided and ending on March 31, 1989 (hereinafter called "the operative period") without expense to the Company comply with the reasonable requirements of the Company with respect to the storage of water in and the flow of water from Moose Lake so that the plants of the Company at Calm Lake and Sturgeon Falls may be operated substantially as the same have heretofore been operated and in particular and without restricting the generality of the foregoing that it will during the operative period without expense to the Company for the purpose aforesaid

- (a) maintain and operate adequate dams for the storage of water in Moose Lake and for the control of the flow of water from Moose Lake;
- (b) so long as and at any time when the natural flow of the Seine River is diverted through the Seine Diversion as now or hereafter constituted maintain and operate the Seine Diversion as now or hereafter constituted; and
- (c) if the natural flow of the Seine River through Steep Rock Lake is restored cause the Seine Diversion to be and remain closed.

2. The Commission agrees that if at any time during the operative period the natural flow of the Seine River through Steep Rock Lake is being restored then so long as the flow of water through the Calm Lake Plant or the Sturgeon Falls Plant of the Company is thereby affected the Commission shall furnish to the Company at the point of delivery provided for in the 1949 Power Contract without cost to the Company and in the manner in which firm power is delivered to the Company under the 1949 Power Contract such amount of power as together with the quantity of power from time to time available from the Calm Lake Plant and the Sturgeon Falls Plant will be equal to the total amount of power which would have been available from the Calm Lake Plant and the Sturgeon Falls Plant had undisturbed conditions continued.

3. The Commission assumes to the exoneration of the Company, its successors and assigns all liability for claims or suits of every character by whomsoever asserted, arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period. The Commission further agrees that it will at its own expense hold the Company or its successors and assigns harmless against any and all claims or suits of every character by whomsoever asserted based upon an escape of water as aforesaid or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period.

4. The Crown hereby assents to the provisions of this agreement. The Crown shall from time to time in respect of unalienated public lands

give such consents, authorizations, grants, licences and privileges as will enable the Commission to comply with its obligations under this agreement.

5. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

6. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman
(Seal)

E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President
(Seal)

R. D. MAIN
Secretary

H. R. SCOTT
Minister of Lands and Forests
(Seal)

SCHEDULE D

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE ONE PART

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE OTHER PART

WHEREAS the Commission has agreed to buy from the Company and the Company has agreed to sell to the Commission certain assets of the Company hereinafter specified on the terms and conditions hereof;

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained it is hereby agreed as follows:

1. The Company agrees to sell and the Commission agrees to buy all the right title and interest of the Company in and to

- (a) the hydro-electric power plant (hereinafter called "the Moose Lake Plant") situate on the Moose Lake power site location which location is described as Parcel 3 in a certain instrument bearing date the 29th day of April, 1927 (hereinafter called "Water Power Lease No. 28") whereby His Majesty the King demised and leased unto The Seine River Improvement Company, Limited certain parcels or tracts of land and land covered with water situate lying and being on the Seine River in the District of Rainy River in the Province of Ontario;
- (b) all buildings, erections, equipment, tools, supplies and caretakers' houses situate on the Moose Lake power site location but excluding boats and household furnishings and personal effects within caretakers' houses; and
- (c) the transmission line running from the Moose Lake Plant to the point of junction of the transmission lines from the Calm Lake Power Plant of the Company and the Sturgeon Falls Power Plant of the Company and the property over which such first mentioned transmission line extends.

2. The price payable by the Commission for the assets herein agreed to be sold and purchased shall be the sum of one million, nine hundred and fifty-six thousand dollars (\$1,956,000) payable in cash or by certified cheque on the delivery of the instruments to be delivered by the Company as specified in paragraph 4 hereof. Such delivery and payments shall be made on the day when this agreement becomes binding as hereinafter provided.

3. The Commission agrees that the Company's title to the said assets is satisfactory. It is expressly understood and agreed that Water Power Lease No. 28, License of Occupation No. 1559 presently held by the Company, License of Occupation No. 1560 presently held by the Company, and License of Occupation No. 6094, as amended, presently held by the Company shall be deemed to be terminated upon the completion of the sale and purchase herein provided for and that accordingly neither the said Water Power Lease nor the said Licenses of Occupation nor any of them nor any interest of the Company thereunder nor any interest of the Company in Crown lands nor any right of the Company to flood Crown

lands is included or to be deemed to be included in the assets herein agreed to be sold and purchased. Notwithstanding anything herein contained the Company shall not be required to obtain the consent of any person, firm, corporation, government or governmental authority or agency to the sale or assignment of the said assets or any of them, and the Company makes no representation as to the assignability of its right, title and interest in and to the said assets or any of them.

4. At the time of such payment the Company shall deliver to the Commission four certain transfers, a certain quit claim deed, a certain general conveyance and a certain bill of sale, duly executed by the Company, and a certain release, duly executed by Montreal Trust Company, the form and terms of which instruments have been settled and approved on behalf of the parties and copies of which instruments have been initialled on behalf of the parties for identification.

5. This agreement shall not become binding on the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith, short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF the parties have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President
(Seal)

R. D. MAIN
Secretary

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman
(Seal)

E. B. EASSON
Secretary

SCHEDULE E

THIS AGREEMENT made in duplicate this 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART;

—and—

STEEP ROCK IRON MINES LIMITED, hereinafter called
the "Company"

OF THE SECOND PART.

WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (therein and hereinafter called the Steep Rock Power Agreement) between the parties hereto, and an agreement (therein and hereinafter called the Supplementary Agreement) between the parties hereto;

AND WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1943*, a further agreement, amending said Steep Rock Power Agreement and the Supplementary Agreement, was ratified, confirmed and declared to be legal and binding upon the parties hereto;

AND WHEREAS The Ontario-Minnesota Pulp and Paper Company Limited (hereinafter called O-M Company) has entered into or is about to enter into a contract of even date with the Commission providing for the purchase by the Commission from O-M Company of the Hydro-Electric Power Plant situate on the Moose Lake Power site location, and other assets, at a price of \$1,956,000.00, such purchase being in pursuance of a plan to relieve the Company from future obligations to the Commission under the Supplementary Agreement;

AND WHEREAS it has been agreed between the parties hereto that upon completion of the sale of the Moose Lake plant to the Commission, the said Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949;

AND WHEREAS as incidental to said sale and purchase of the Moose Lake plant it has been agreed that this agreement should be entered into;

AND WHEREAS it is desirable that certain additional protective works be undertaken, as hereinafter provided;

AND WHEREAS by a contract of even date between the Commission and the O-M Company, the Commission has agreed to maintain and operate the Seine Diversion referred to in certain agreements ratified by *The Steep Rock Iron Ore Development Act, 1942*, and whereas this obligation was assumed by the Commission to further the interest of the Company and facilitate its operations and the Company has agreed to reimburse the Commission for all cost and expense arising therefrom and indemnify and save it harmless against all liability, claims and demands arising therefrom, and with a view to minimizing such costs and expense the Company has requested the Commission to permit the Company to perform whatever is necessary to operate the said diversion.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration, it is agreed between the Commission and the Company as follows:

1. The Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949, except as regards the unsatisfied liability (if any) of the Company to the Commission under the said agreements, as amended, which unsatisfied liability (if any) shall continue in force and effect until discharged by payment thereof.

2. By way of reimbursement for the said purchase price of \$1,956,000.00 to be paid by the Commission to O-M Company, and interest calculated in respect thereof at the rate of 3% per annum, the Company will pay to the Commission on the first day of November in each year, commencing with November 1st, 1950, and continuing up to and including November 1st, 1989, the annual sum of \$86,102.07, unless prior to November 1st, 1989 the normal waterflow in the Seine River through Steep Rock Lake shall have been restored, as in paragraph 3 hereof provided, whereupon the annual payments shall cease.

3. If at any time the Company shall default in making any payment herein provided, and if such default shall continue for a period of two months after the Commission shall have given notice to the Company requiring that such default be remedied on or before a date specified in the said notice, the Commission may and the Company hereby grants to the Commission the right to restore the normal waterflow in the Seine River through Steep Rock Lake and to enter upon the Company's lands and premises for that purpose and remove and/or destroy such of the Company's works and properties as may be necessary for that purpose and/or to construct such works and perform such operations upon the Company's lands and premises as are necessary for that purpose, and the Company agrees that it will make no claim or demand against the Commission in respect of anything relating to or arising therefrom and will indemnify and save harmless the Commission from all claims and demands of other persons arising therefrom.

The Company will obtain such title to such lands as is necessary to enable the Commission to effect the restoration of the said normal waterflow and will continue to hold such title during the full term of this agreement.

4. If and when required by the Company to do so, the Commission will construct or cause to be constructed for the Company, above or adjacent to the present Moose Lake power plant dams, suitable supplementary or additional protective works designed to prevent or insure against the escape of water from Moose Lake into the area previously occupied by Steep Rock Lake and of a type and size, according to specifications and at a location determined by the Company, provided that the Commission shall not be required to undertake the construction of any works to the extent that the cost thereof shall exceed an aggregate amount of \$300,000.00.

By way of reimbursement for any moneys so expended by the Commission, and interest calculated in respect thereof at the rate of 3 $\frac{3}{4}$ % per annum, the Company will pay to the Commission on the first day of November in each year after the completion of the works referred to in the immediately preceding paragraph an annual sum in such amount as shall provide for the amortization by November 1st, 1989, of the cost of constructing the said works and interest at 3 $\frac{3}{4}$ % per annum.

Notwithstanding anything else herein contained the Commission shall not be obliged to undertake the construction of any works in the nature of or relating to any diversion of water from Moose Lake, save to insure against the escape of water into the area previously occupied by Steep Rock Lake, as provided in the first paragraph of this Clause 4.

5. The Company will assign, transfer and convey to the Commission all its rights and title to or in connection with the control works located at Raft Lake and the cuts or canals from Moose Lake to Raft Lake and from Raft Lake to Finlayson Lake and any and all its interest, right or title in any other lands or water necessary or convenient for the control of the flow of water from Moose Lake. If it is necessary for the control of the flow of water from Moose Lake for the Commission to acquire any lands, water or interest or right therein from any person other than the Company or the Crown, the cost thereof shall be reimbursed to the Commission by the Company.

6. The Commission at the expense of the Company, will at all times keep the said cuts or canals and the Esker Cut at the south end of Finlayson Lake in such condition as to permit an uninterrupted flow of water from Moose Lake to Finlayson Lake, and will endeavour at all times to

so cause the control works at Raft Lake to be operated that the level of waters above the Raft Lake control works, shall not be raised beyond the 1365 foot level. Should the Commission at any time or times fail to keep said cuts or canals in condition to permit such uninterrupted flow of water, or fail to cause such control works to be so operated that the 1365 foot level shall not be exceeded, the Company shall have the right to enter upon the said lands and works controlled by the Commission and to do what shall be necessary to remedy such failure and to implement the provisions of this paragraph.

7. The Commission hereby engages the Company to operate the said control works at Raft Lake and any other control works which are necessary to enable the Commission to control the flow of water from Moose Lake, and the Company in consideration of the premises, agrees to do so without further remuneration. The Company will, at its own expense and without charge to the Commission, operate the said control works in such manner as to implement the Commission's obligations in that regard under its said contract with the O-M Company. In the event of the Commission being obliged to incur any cost or expense arising from the maintenance and operation of the Seine Diversion as now or hereafter made by the Company, the Company will reimburse the Commission therefor.

8. The Company hereby exonerates and releases the Commission of and from all liability and obligation for loss or damage of any character which the Company or any successor or assign of the Company or any person, firm or corporation claiming through or under the Company may suffer or sustain, arising or growing out of or based upon any escape of water from Moose Lake, and will indemnify and save harmless the Commission from all liability to or claims and demands of other parties arising therefrom. The Company will not permit or suffer any buildings or erections to be constructed or maintained within what was formerly the basin of Steep Rock Lake, except such buildings or erections as might be necessary for its own operation, and will not permit the presence of persons or property in such basin, except subject to the condition that the Commission shall not be liable for loss of or damage or injury to such person or property by reason of such escape of water.

9. This agreement shall not become binding upon the parties hereto unless and until an Act of Legislature of the Province of Ontario shall have been passed at the present session of the Legislature validating this agreement and terminating the agreements set out in Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and amendments thereto, except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement set out in the said Schedule D in respect of any claim based on any escape of water arising prior to the time of such termination, and shall have been given Royal Assent and been brought into force prior to April 15th, 1949, whereupon this agreement shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF the Company and the Commission have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

ROBERT H. SAUNDERS
Chairman

(Seal)

E. B. EASSON
Secretary

STEEP ROCK IRON MINES LIMITED

D. M. HOGARTH
President

(Seal)

BLANCHE CARD
Asst. Secretary

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Ore Mines Limited, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King.

1st Reading

March 24th, 1949

2nd Reading

March 30th, 1949

3rd Reading

April 1st, 1949

Mr. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The maximum earnings on which compensation may be based is increased from \$2,500 to \$3,000.

SECTION 2—Subsection 1. This provision, which prescribes the amount of compensation payable in death cases where the dependants are other than the widow or children of the deceased workman, is amended by adding the stated maximum.

Subsection 2. The words added are self-explanatory.

No. 162

1949

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11, subsection 1 of section 43 and subsection 1 Rev. Stat., c. 204, s. 11, s. 43, subs. 1, s. 98, subs. 1, amended. of section 98 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Amendment Act, 1943*, are further amended by striking out the symbol and figures "\$2,500" wherever they occur in the said section and subsections and inserting in lieu thereof the symbol and figures "\$3,000".

2.—(1) Clause *f* of subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 Rev. Stat., c. 204, s. 35, (1948, c. 99, s. 3, subs. 1), amended. of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end thereof the words "not exceeding in the whole \$100 per month", so that the clause shall read as follows:

- (f) where the dependants are persons other than those mentioned in clauses *c* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, not exceeding in the whole \$100 per month.

(2) Subsection 1*a* of the said section 35, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end Rev. Stat., c. 204, s. 35, subs. 1*a*, (1948, c. 99, s. 3, subs. 1), amended. thereof the words "unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", so that the subsection shall read as follows:

(1*a*) Where in the opinion of the Board the furnishing Further education. of further or better education to a child appears advisable, the Board in its discretion may on applica-

tion extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year.

Rev. Stat., c. 204, s. 35, subs. 1^b, section 1 of section 3 of The Workmen's Compensation Act, 1948, s. 3, subs. 1^c, Amendment Act, 1948, is repealed and the following substituted: (3) Subsection 1b of the said section 35, as enacted by

Compensa-
tion in death
cases,—
maximum
and
minimum.

(1b) Exclusive of the expenses of the burial of the workman and the lump sum of \$100 the monthly compensation payable under subsection 1 shall not in any case exceed the average monthly earnings of the workman, and if the monthly compensation so payable exceeds such earnings it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately, provided that the minimum monthly compensation shall be,—

- (a) where the widow or an invalid husband is the sole dependant, \$50;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$50 for the widow or invalid husband with a further payment of \$12, to be increased on the death of the widow or invalid husband to \$20, for each child, not exceeding in the whole \$100; or
- (c) where the dependants are children, \$20 to each child, not exceeding in the whole \$100.

Rev. Stat., c. 204, s. 35, subs. 4, amended. (4) Subsection 4 of the said section 35 is amended by striking out the word and letter "clause e" in the first line and inserting in lieu thereof the word and letter "clause f".

Rev. Stat., c. 204, s. 35, subs. 5, amended. (5) Subsection 5 of the said section 35 is amended by striking out the words and letters "clause c, clause d or clause e" in the fourth and fifth lines and inserting in lieu thereof the words and letters "clause d, e or f".

Subsection 3. Provision is made,—

- (i) that in death cases the monthly compensation will not exceed an amount equal to the average monthly earnings of the deceased workman, and
- (ii) that in such cases the benefits payable to widows and children of deceased workmen shall not be less than the amounts specified irrespective of earnings.

Subsections 4 and 5. The references are changed to refer to the proper clauses in subsection 1.

SECTION 3. The basic rate upon which compensation is computed is increased from 66 2/3% of average weekly earnings to 75% of such earnings.

SECTION 4. Section 76 is re-enacted in order to bring the practice with respect to the annual report of the Board into line with the uniform practice adopted by the Department of the Provincial Secretary.

3. Sections 38 and 39 and subsections 1 and 4 of section 40 of *The Workmen's Compensation Act*, as re-enacted by Rev. Stat., c. 204, ss. 38, 39; s. 40, section 2 of *The Workmen's Compensation Amendment Act*, (1942, c. 41, subss. 1, 4, 1942, are amended by striking out the words "sixty-six and s. 2), two-thirds" where they occur in the third lines of sections amended.
38 and 39 respectively, in the ninth line of subsection 1 of section 40, and in the eighth and ninth lines of subsection 4 of section 40, and inserting in lieu thereof the word "seventy-five".

4. Section 76 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 76, re-enacted.

76.—(1) The Board shall after the close of each year file with the Provincial Secretary an annual report upon the affairs of the Board.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

5.—(1) This Act, except section 1, subsection 3 of section 2 and section 3, shall come into force on the day it receives the Royal Assent. Commencement of Act;

(2) Sections 1 and 3 shall come into force on the 1st day of January, 1950, and shall apply only to accidents happening on or after that date.

(3) Subsection 3 of section 2 shall be deemed to have come into force on the 1st day of July, 1948. of s. 2, subs. 3.

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1949*. Short title.

An Act to amend
The Workmen's Compensation Act.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. DALEY

//

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

No. 162

1949

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11, subsection 1 of section 43 and subsection 1 Rev. Stat.,
of section 98 of *The Workmen's Compensation Act*, as amended c. 204, s. 11,
by section 4 of *The Workmen's Compensation Amendment* s. 43, subs. 1,
Act, 1943, are further amended by striking out the symbol s. 98, subs. 1,
and figures "\$2,500" wherever they occur in the said section
and subsections and inserting in lieu thereof the symbol
and figures "\$3,000".

2.—(1) Clause *f* of subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 Rev. Stat.,
section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end thereof the words c. 204, s. 35,
"not exceeding in the whole \$100 per month", so that the (1948, c. 99,
clause shall read as follows: s. 3, subs. 1),
amended.

(*f*) where the dependants are persons other than those mentioned in clauses *c* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, not exceeding in the whole \$100 per month.

(2) Subsection 1*a* of the said section 35, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end Rev. Stat.,
subs. 1*a* (1948, c. 99,
thereof the words "unless the child in respect of whom s. 3, subs. 1),
compensation is being paid is attending school and reaches amended.
the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", so that the subsection shall read as follows:

(1*a*) Where in the opinion of the Board the furnishing Further education.
of further or better education to a child appears
advisable, the Board in its discretion may on applica-

tion extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year.

**Rev. Stat.,
c. 204, s. 35,
subs. 1^b,
(1948, c. 99,
s. 3, subs. 1).** (3) Subsection 1b of the said section 35, as enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is repealed and the following substituted therefor:

**Compensa-
tion in death
cases.—
maximum
and
minimum.**

- (1b) Exclusive of the expenses of the burial of the workman and the lump sum of \$100 the monthly compensation payable under subsection 1 shall not in any case exceed the average monthly earnings of the workman, and if the monthly compensation so payable exceeds such earnings it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately, provided that the minimum monthly compensation shall be,—
 - (a) where the widow or an invalid husband is the sole dependant, \$50;
 - (b) where the dependants are a widow or an invalid husband and one or more children, \$50 for the widow or invalid husband with a further payment of \$12, to be increased on the death of the widow or invalid husband to \$20, for each child, not exceeding in the whole \$100; or
 - (c) where the dependants are children, \$20 to each child, not exceeding in the whole \$100.

**Rev. Stat.,
c. 204, s. 35,
subs. 4,
amended.** (4) Subsection 4 of the said section 35 is amended by striking out the word and letter "clause e" in the first line and inserting in lieu thereof the word and letter "clause f".

**Rev. Stat.,
c. 204, s. 35,
subs. 5,
amended.** (5) Subsection 5 of the said section 35 is amended by striking out the words and letters "clause c, clause d or clause e" in the fourth and fifth lines and inserting in lieu thereof the words and letters "clause d, e or f".

3. Sections 38 and 39 and subsections 1 and 4 of section Rev. Stat.,
 40 of *The Workmen's Compensation Act*, as re-enacted by c. 204, ss. 38,
 section 2 of *The Workmen's Compensation Amendment Act*, (1942, c. 41,
 subss. 1, 4, s. 2),
 are amended by striking out the words "sixty-six and
 two-thirds" where they occur in the third lines of sections
 38 and 39 respectively, in the ninth line of subsection 1 of
 section 40, and in the eighth and ninth lines of subsection 4
 of section 40, and inserting in lieu thereof the word "seventy-
 five".

4. Section 76 of *The Workmen's Compensation Act* is Rev. Stat.,
 repealed and the following substituted therefor: c. 204, s. 76
 re-enacted.

76.—(1) The Board shall after the close of each year Annual report.
 file with the Provincial Secretary an annual report
 upon the affairs of the Board.

(2) The Provincial Secretary shall submit the report to Tabling.
 the Lieutenant-Governor in Council and shall then
 lay the report before the Assembly, if it is in session,
 or if not, at the next ensuing session.

5.—(1) This Act, except section 1, subsection 3 of section Commencement of Act;
 2 and section 3, shall come into force on the day it receives the Royal Assent.

(2) Sections 1 and 3 shall come into force on the 1st day of ss. 1, 3;
 of January, 1950, and shall apply only to accidents happening
 on or after that date.

(3) Subsection 3 of section 2 shall be deemed to have come of s. 2,
 into force on the 1st day of July, 1948. subs. 3.

6. This Act may be cited as *The Workmen's Compensation* Short title.
Amendment Act, 1949.

An Act to amend
The Workmen's Compensation Act.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. DALEY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Adoption Act.

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Under the present Act the application to the court for an adoption order cannot be made without the consent of the Minister of Public Welfare where,—

- (a) the person sought to be adopted is over twenty-one;
- (b) the applicant is under twenty-five; or
- (c) the applicant is less than twenty-one years older than the person sought to be adopted.

These consents are abolished so that such applications can be made and determined by the court.

Otherwise the provisions of the Bill are self-explanatory.

No. 163

1949

BILL

An Act to amend The Adoption Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1, as re-enacted by section 1 of *The Statute Law Amendment Act, 1941*, and sections 2 and 3 of *The Adoption Act* are repealed and the following substituted therefor: Rev. Stat. c. 218, s. 1 (1941, c. 55, s. 1); ss. 2, 3, re-enacted.

1. In this Act,—

Interpretation,

- (a) “adopted child” means infant or other person “adopted child”; adopted;
- (b) “adopting parent” means person who adopts “adopting parent”; an infant; and
- (c) “infant” means person under twenty-one “infant”. years of age or other person sought to be adopted.

2. The court may make an order for the adoption of any Where infant resident in Ontario upon an application there- adoption orders may be made. for being made in the prescribed manner by any person domiciled and resident in Ontario.

3.—(1) Notwithstanding section 1 the court shall not Where make an order for the adoption of an infant,— adoption orders may not be made.

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
- (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

Saving.

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order.

Adoption by more than one person.

- (2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person.

Consent of husband or wife of adopting parent.

- 3a. An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be.

Consent,— infant under 21;

- 3b.—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant.

Illegitimate infant;

- (2) Where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of subsection 1, but if any such infant resides with and is maintained by the father, the consent of both mother and father shall be required.

Infant ward of children's aid society.

Rev. Stat., c. 312.

- (3) Where such infant has been committed permanently to the care and custody of a children's aid society under *The Children's Protection Act*, the consent of the society shall be sufficient for the purposes of subsection 1.

Consent,— person over 21.

- 3c. An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted and where such person is married, the consent of the spouse.

Where consent may be dispensed with.

- 3d. The court may dispense with any consent required by section 3a or subsection 1 or 2 of section 3b if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with.

Provincial Officer's certificate,— person under 21.

- 3e. An adoption order in respect of an infant who is under twenty-one years of age and has not been married shall not be made unless the Provincial Officer certifies in writing,—

- (a) that the infant has lived for at least two years with the applicant and that during that period

the conduct of the applicant and the conditions under which the infant has lived have been such as to justify the making of the order; or

- (b) that the applicant is to the knowledge of the Provincial Officer a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with.

*3f.—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Provincial Officer certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption.*

Provincial
Officer's
certificate.—
persons
over 21.

- (2) Where the Provincial Officer is unable to make such ^{Review by} _{court.} a certificate he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption, the court may make an adoption order.

2. This Act may be cited as *The Adoption Amendment* _{Short_title.} *Act, 1949.*

An Act to amend The Adoption Act.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. GOODFELLOW

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Adoption Act.

MR. GOODFELLOW

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 163

1949

BILL

An Act to amend The Adoption Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1, as re-enacted by section 1 of *The Statute Law Amendment Act, 1941*, and sections 2 and 3 of *The Adoption Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 218, s. 1
(1941,
c. 55, s. 1);
ss. 2, 3,
re-enacted.

- 1. In this Act,—
 - (a) “adopted child” means infant or other person “adopted child”; adopted;
 - (b) “adopting parent” means person who adopts “adopting parent”; an infant; and
 - (c) “infant” means person under twenty-one “infant”. years of age or other person sought to be adopted.
- 2. The court may make an order for the adoption of any infant resident in Ontario upon an application therefor being made in the prescribed manner by any person domiciled and resident in Ontario.
 - Where adoption orders may be made.
- 3.—(1) Notwithstanding section 1 the court shall not make an order for the adoption of an infant,—
 - Where adoption orders may not be made.
 - (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
 - (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
 - (c) where the applicant is unmarried, a widow, a widower or a divorced person,

Saving.

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order.

Adoption by more than one person.

(2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person.

Consent of husband or wife of adopting parent.

3a. An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be.

Consent,— infant under 21;

3b.—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant.

illegitimate infant;

(2) Where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of subsection 1, but if any such infant resides with and is maintained by the father, the consent of both mother and father shall be required.

infant ward of children's aid society.

Rev. Stat., c. 312.

(3) Where such infant has been committed permanently to the care and custody of a children's aid society under *The Children's Protection Act*, the consent of the society shall be sufficient for the purposes of subsection 1.

Consent,— person over 21.

3c. An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted and where such person is married, the consent of the spouse.

Where consent may be dispensed with.

3d. The court may dispense with any consent required by section 3a or subsection 1 or 2 of section 3b if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with.

Provincial Officer's certificate,— person under 21.

3e. An adoption order in respect of an infant who is under twenty-one years of age and has not been married shall not be made unless the Provincial Officer certifies in writing,—

(a) that the infant has lived for at least two years with the applicant and that during that period

the conduct of the applicant and the conditions under which the infant has lived have been such as to justify the making of the order; or

- (b) that the applicant is to the knowledge of the Provincial Officer a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with.

- 3f.—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Provincial Officer certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption.
- (2) Where the Provincial Officer is unable to make such a certificate he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption, the court may make an adoption order.

- 2.** This Act may be cited as *The Adoption Amendment Act, 1949.* Short title.

Provincial
Officer's
certificate,
persons
over 21.

An Act to amend The Adoption Act.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. GOODFELLOW

No. 164

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1—Subsection 1. The authority of the Minister to make regulations under *The Farm Products Grades and Sales Act* is extended to the making of regulations relating to the matters indicated in the new clauses *bb*, *bbb* and *ee*.

Subsection 2. The new subsection gives authority to define in the regulations any word or expression used in the regulation.

No. 164

1949

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1946* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1947*, is further amended by adding thereto the following clauses:

(*bb*) prescribing the manner in which sellers and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;

(*bbb*) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of account of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;

(*ee*) providing for the issue of grading certificates by inspectors and prescribing the form thereof.

(2) The said section 2 is further amended by adding thereto the following subsection:

(3) Any word or expression used in any regulation made under this section may be defined in the regulation for the purposes of the regulations.

2. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1949*.

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

TORONTO
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No. 164

1949

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1946* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1947*, is further amended by adding thereto the following clauses:

(*bb*) prescribing the manner in which sellers and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;

(*bbb*) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of account of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;

.

(*ee*) providing for the issue of grading certificates by inspectors and prescribing the form thereof.

(2) The said section 2 is further amended by adding thereto the following subsection:

(3) Any word or expression used in any regulation made under this section may be defined in the regulation for the purposes of the regulations.

2. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1949*.

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Department of Travel and Publicity Act, 1946.

MR. CECILE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Section 4a is added in order to bring the practice with respect to the annual report of the Department of Travel [and] Publicity into line with the uniform practice adopted by the Department of the Provincial Secretary.

SECTION 2. Section 7 is new. It is self-explanatory.

The new section 8 is the same in principle as section 7 of the present Act.

No. 165

1949

BILL

An Act to amend The Department of Travel and Publicity Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Travel and Publicity Act, 1946* is ^{1946, c. 23.} amended by adding thereto the following section:

- 4a.**—(1) The Minister shall after the close of each fiscal ^{Annual report.} year file with the Provincial Secretary an annual report upon the affairs of the Department.
- (2) The Provincial Secretary shall submit the report to ^{Tabling.} the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. Sections 7 and 8 of *The Department of Travel and Publicity Act, 1946* are repealed and the following substituted <sup>1946, c. 23.
ss. 7, 8.</sup> re-enacted. therefor:

- 7.** No person, except an authorized agent or employee ^{Tourist information.} of any governmental or municipal authority, board of trade, chamber of commerce, *bona fide* tourist development association, *bona fide* travel agency or company transporting passengers by rail, boat, air or bus, shall, without the approval in writing of the Minister, display any sign or other device on or near any premises indicating that information for tourists or other similar service is available from him or on the premises.
- 8.** No person shall distribute within or send from Ontario ^{Distribution of advertising matter.} any advertising matter connected with or affecting the tourist industry including accommodation, facilities or service offered to tourists, or advertising or publicizing the resources, attractions or advantages of Ontario that does not comply with the regulations.

Display of
notices by
tourist
establish-
ments.

8a. Every person who offers accommodation, facilities or services of any type prescribed by the regulations shall display a notice bearing the words "closed", "open", "vacancy" or "no vacancy", as the case may be, in accordance with the regulations.

Regulations.

8b. The Lieutenant-Governor in Council may make regulations with respect to the tourist industry,—

(a) regulating the form and contents of all or any class of advertising matter mentioned in section 8; and

(b) subject to *The Highway Improvement Act*, regulating the size, style and location of the notices mentioned in section 8a, and prescribing the type of accommodation, facilities or services to which such regulations shall apply.

Rev. Stat.,

c. 56.

3. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1949*.

Section 8a is new. It is designed as a convenience to tourists.

Clause a of the new section 8b is the same in principle as section 8 of the present Act. Clause b is new. It is complementary to the new section 8a of the Act.

An Act to amend The Department of
Travel and Publicity Act, 1946.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. CECILE

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Department of Travel and Publicity Act, 1946.

MR. CECILE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 165

1949

BILL

An Act to amend The Department of Travel and Publicity Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Travel and Publicity Act, 1946* is<sup>1946, c. 23
amended.</sup> amended by adding thereto the following section:

- 4a.—(1)** The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.
- (2)** The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. Sections 7 and 8 of *The Department of Travel and Publicity Act, 1946* are repealed and the following substituted<sup>1946, c. 23.
ss. 7, 8,
re-enacted.</sup>

- 7.** No person, except an authorized agent or employee of any governmental or municipal authority, board of trade, chamber of commerce, *bona fide* tourist development association, *bona fide* travel agency or company transporting passengers by rail, boat, air or bus, shall, without the approval in writing of the Minister, display any sign or other device on or near any premises indicating that information for tourists or other similar service is available from him or on the premises.
- 8.** No person shall distribute within or send from Ontario any advertising matter connected with or affecting the tourist industry including accommodation, facilities or service offered to tourists, or advertising or publicizing the resources, attractions or advantages of Ontario that does not comply with the regulations.

Display of
notices by
tourist
establish-
ments.

Regulations.

Rev. Stat.,
c. 56.

Short title.

8a. Every person who offers accommodation, facilities or services of any type prescribed by the regulations shall display a notice bearing the words "closed", "open", "vacancy" or "no vacancy", as the case may be, in accordance with the regulations.

8b. The Lieutenant-Governor in Council may make regulations with respect to the tourist industry,—

(a) regulating the form and contents of all or any class of advertising matter mentioned in section 8; and

(b) subject to *The Highway Improvement Act*, regulating the size, style and location of the notices mentioned in section 8a, and prescribing the type of accommodation, facilities or services to which such regulations shall apply.

3. This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1949*.

An Act to amend The Department of
Travel and Publicity Act, 1946.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. CECILE

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Tourist Establishments.

MR. CECILE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The Tourist Camp Regulation Act, 1946 sanctioned the regulation of one type of establishment only.

This Bill extends the scope of that Act so that any type of tourist establishment, except those expressly excluded in clause *d* of section 1, may be regulated.

The provisions of the Bill are self explanatory.

No. 166

1949

BILL

An Act respecting Tourist Establishments.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "Minister" means Minister of Travel and Publicity; "Minister";
- (b) "operator" means the owner or lessee of a tourist "operator"; establishment or the resident manager or other person in charge thereof;
- (c) "regulations" means regulations made under this "regulations"; Act; and
- (d) "tourist establishment" means any premises operated "tourist establishment" for the accommodation of the travelling or vacationing public within the meaning of the regulations, but does not include any premises licensed under *The Liquor Licence Act, 1946* or *The Game and Fisheries Act, 1946*, or any camp operated by a charitable institution within the meaning of *The Charitable Institutions Act* or any summer camp within the meaning of the regulations made under *The Public Health Act*.

2.—(1) The Lieutenant-Governor in Council may make Regulations, regulations,—

- (a) defining and classifying tourist establishments;
- (b) providing for the licensing of tourist establishments and the suspension and cancellation of licences and prescribing the fees payable for licences and renewals thereof;
- (c) providing for inspection of tourist establishments and for designation by the Minister of officials and employees of the Government as inspectors and,

subject to the approval of the Minister, for designation by municipal councils or by local boards of health of municipalities of officials and employees of the council or local board of health, respectively, as inspectors and for prescribing the powers and duties of inspectors so designated;

- (d) prescribing ground plans for tourist establishments including specifications governing the relative positions of and distances between the component parts of such establishments;
- (e) prescribing specifications governing the construction and size of buildings and other structures comprising tourist establishments;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation in tourist establishments;
- (g) prescribing the fire prevention measures that shall be taken and the fire fighting equipment that shall be maintained in tourist establishments;
- (h) governing and regulating the manner in which the grounds, buildings, equipment and other facilities of tourist establishments shall be maintained, including the cleaning, fumigating and sterilizing of any part thereof;
- (i) prescribing requirements for tourist establishments in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste and other matters pertaining to the health and welfare of persons accommodated;
- (j) prescribing the maximum number of tourist establishments for any designated area;
- (k) requiring operators to display notices or insignia indicating the class of establishment operated, and prescribing such notices or insignia;
- (l) requiring operators to maintain a register of the persons, motor vehicles and trailers accommodated, and requiring persons accommodated to register therein, and prescribing the information that shall be entered in the register by the operator and by the person accommodated;

- (m) prescribing rules to be observed by persons accommodated in tourist establishments;
- (n) requiring the operators of tourist establishments to keep posted in every room or building used for sleeping accommodation a notice specifying the rates charged for the room or building;
- (o) prescribing the minimum amount of furniture, bedding, linen, heating and lighting devices, electrical outlets, utensils, dishes, cutlery, floor covering, window covering and other fixtures, furnishings, appliances and equipment that shall be provided in tourist establishments; and
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Lieutenant-Governor in Council may in respect of ^{Application of regulations.} any regulation,—

- (a) designate the classes of tourist establishments to which it shall apply;
- (b) designate the portions of Ontario within which it shall be in force; and
- (c) provide that it shall apply only to tourist establishments established before or after a designated date.

3. Any regulation made under clauses *d* to *i* of subsection 1 of section 2 shall be regarded as containing minimum requirements only and the council of any city, town, village or township or the board of trustees of any improvement district in which any such regulation is in force may pass by-laws prescribing further or additional requirements with regard to any of the matters mentioned in the regulation, and every such by-law shall apply to the tourist establishments in the municipality to which the regulation previously applied.

4. The council of every city and town shall provide for the inspection of the tourist establishments in the municipality and shall be responsible for the enforcement in the municipality of the regulations and any by-law passed under section 3 but nothing in this section shall preclude inspection and enforcement by any provincial inspector.

5. Every municipal inspector shall make such reports respecting the tourist establishments in the municipality as the Minister may require.

Offences and penalties.

6. Every person who violates any regulation or violates any by-law passed under section 3, shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$100.

Application of penalty.

7. Any penalty imposed as the result of any proceeding instituted by a municipal inspector for any violation of any regulation or any violation of any by-law passed under section 3 shall be payable to the municipal corporation.

1946, c. 100;
1947, c. 108;
1948, c. 93,
repealed.

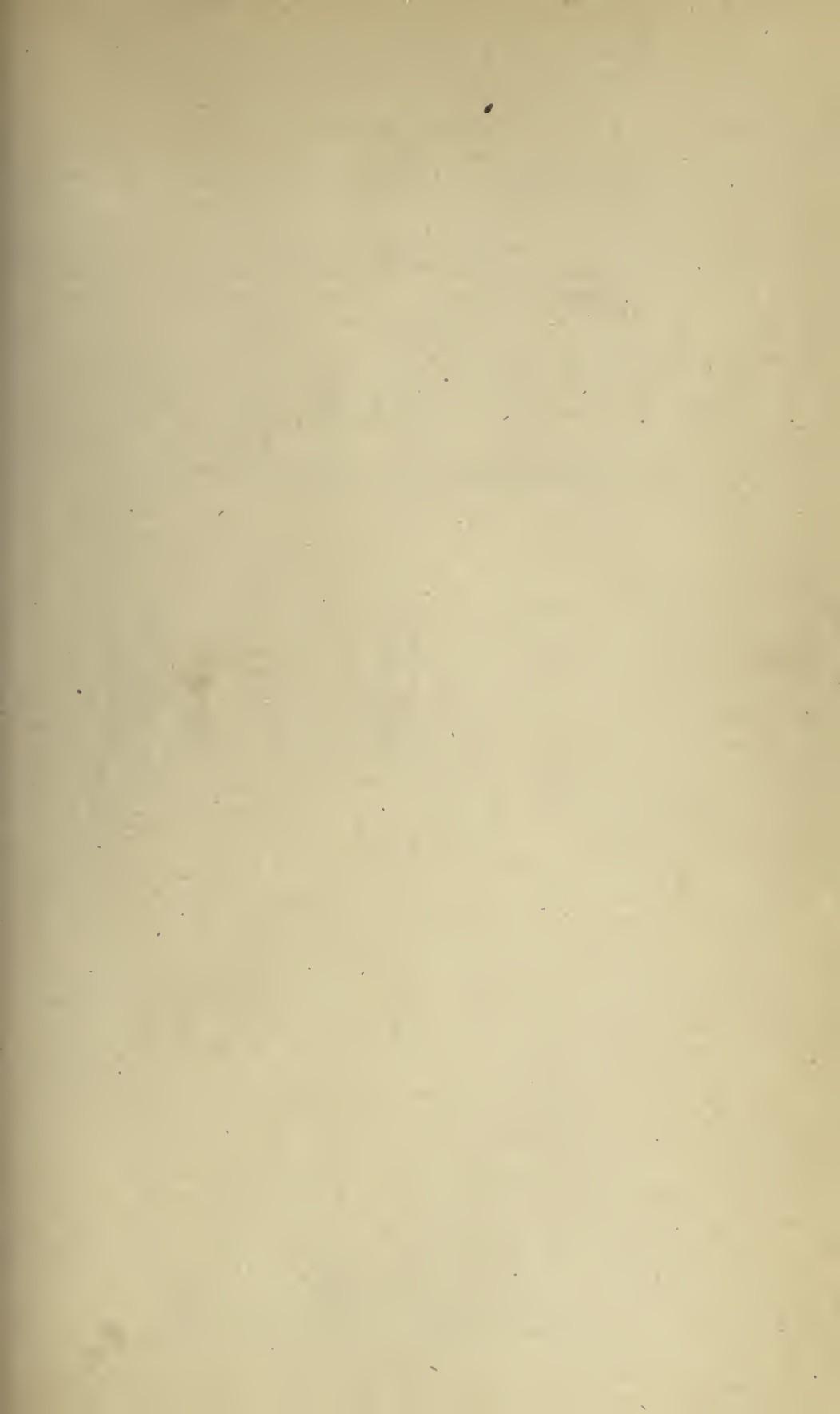
8. *The Tourist Camp Regulation Act, 1946, The Tourist Camp Regulation Amendment Act, 1947 and The Tourist Camp Regulation Amendment Act, 1948* are repealed.

Commencement of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Tourist Establishments Act, 1949.*



An Act respecting Tourist Establishments.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. CECILE

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Tourist Establishments.

MR. CECILE

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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No. 166

1949

BILL

An Act respecting Tourist Establishments.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Minister" means Minister of Travel and Publicity; "Minister";
- (b) "operator" means the owner or lessee of a tourist "operator"; establishment or the resident manager or other person in charge thereof;
- (c) "regulations" means regulations made under this "regulations"; Act; and
- (d) "tourist establishment" means any premises operated "tourist establish-
for the accommodation of the travelling or vaca-ment".
tioning public within the meaning of the regulations,
but does not include any premises licensed under
The Liquor Licence Act, 1946 or *The Game and Fisheries Act, 1946*, or any camp operated by a charitable institution within the meaning of *The Charitable Institutions Act* or any summer camp within the meaning of the regulations made under *The Public Health Act*.

2.—(1) The Lieutenant-Governor in Council may make Regulations.
regulations,—

- (a) defining and classifying tourist establishments;
- (b) providing for the licensing of tourist establishments and the suspension and cancellation of licences and prescribing the fees payable for licences and renewals thereof;
- (c) providing for inspection of tourist establishments and for designation by the Minister of officials and employees of the Government as inspectors and,

subject to the approval of the Minister, for designation by municipal councils or by local boards of health of municipalities of officials and employees of the council or local board of health, respectively, as inspectors and for prescribing the powers and duties of inspectors so designated;

- (d) prescribing ground plans for tourist establishments including specifications governing the relative positions of and distances between the component parts of such establishments;
- (e) prescribing specifications governing the construction and size of buildings and other structures comprising tourist establishments;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation in tourist establishments;
- (g) prescribing the fire prevention measures that shall be taken and the fire fighting equipment that shall be maintained in tourist establishments;
- (h) governing and regulating the manner in which the grounds, buildings, equipment and other facilities of tourist establishments shall be maintained, including the cleaning, fumigating and sterilizing of any part thereof;
- (i) prescribing requirements for tourist establishments in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste and other matters pertaining to the health and welfare of persons accommodated;
- (j) prescribing the maximum number of tourist establishments for any designated area;
- (k) requiring operators to display notices or insignia indicating the class of establishment operated, and prescribing such notices or insignia;
- (l) requiring operators to maintain a register of the persons, motor vehicles and trailers accommodated, and requiring persons accommodated to register therein, and prescribing the information that shall be entered in the register by the operator and by the person accommodated;

- (m) prescribing rules to be observed by persons accommodated in tourist establishments;
- (n) requiring the operators of tourist establishments to keep posted in every room or building used for sleeping accommodation a notice specifying the rates charged for the room or building;
- (o) prescribing the minimum amount of furniture, bedding, linen, heating and lighting devices, electrical outlets, utensils, dishes, cutlery, floor covering, window covering and other fixtures, furnishings, appliances and equipment that shall be provided in tourist establishments; and
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Lieutenant-Governor in Council may in respect of ^{Application of regulations.} any regulation,—

- (a) designate the classes of tourist establishments to which it shall apply;
- (b) designate the portions of Ontario within which it shall be in force; and
- (c) provide that it shall apply only to tourist establishments established before or after a designated date.

3. Any regulation made under clauses *d* to *i* of subsection 1 of section 2 shall be regarded as containing minimum requirements only and the council of any city, town, village or township or the board of trustees of any improvement district in which any such regulation is in force may pass by-laws prescribing further or additional requirements with regard to any of the matters mentioned in the regulation, and every such by-law shall apply to the tourist establishments in the municipality to which the regulation previously applied.

4. The council of every city and town shall provide for ^{Responsibility for} inspection of the tourist establishments in the municipality ^{Minister.} and shall be responsible for the enforcement in the municipality of the regulations and any by-law passed under section 3 but nothing in this section shall preclude inspection and enforcement by any provincial inspector.

5. Every municipal inspector shall make such reports ^{Report to} Minister. respecting the tourist establishments in the municipality as the Minister may require.

Offences and
penalties.

6. Every person who violates any regulation or violates any by-law passed under section 3, shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$100.

Application
of penalty.

7. Any penalty imposed as the result of any proceeding instituted by a municipal inspector for any violation of any regulation or any violation of any by-law passed under section 3 shall be payable to the municipal corporation.

1946, c. 100;
1947, c. 108;
1948, c. 93,
repealed.
8. *The Tourist Camp Regulation Act, 1946, The Tourist Camp Regulation Amendment Act, 1947 and The Tourist Camp Regulation Amendment Act, 1948* are repealed.

Commencement of Act.
9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.
10. This Act may be cited as *The Tourist Establishments Act, 1949.*

An Act respecting Tourist Establishments.

1st Reading

March 24th, 1949

2nd Reading

March 28th, 1949

3rd Reading

March 31st, 1949

MR. CECILE

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Vehicle Act, 1949.

MR. DOUCETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This Act is a consolidation of the present Act and amendments and involves no change in principle.

The definition of "compensation" in section 1 is new and a complementary change has been made in the definition of public vehicle (section 1).

It is made clear that two types of licence are required under the Act viz., a public vehicle operating licence which is the authority for carrying on the business, and a vehicle licence issued in respect of each vehicle used in the business (sections 1 and 2). This simply confirms present practice.

The provisions of subsections 3 and 4 of section 3 of the bill are new.

Several sections of the present Act which deal with the equipment to be provided on public vehicles e.g. types of lights, brakes, fire extinguishers etc., are omitted from this Act and a general authority is given to make regulations respecting these matters (section 24, clause k).

The references in the present Act to the Department of Highways are replaced by references to the Minister of Highways and authority is given to delegate the Minister's power by regulation (section 24, clause m).

No. 167

1949

BILL

The Public Vehicle Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; "compensa-
tion";
- (c) "Department" means Department of Highways; "Depart-
ment";
- (d) "highway" means highway as defined in *The Highway Traffic Act*; "highway";
Rev. Stat., c. 288.
- (e) "Minister" means Minister of Highways; "Minister";
- (f) "operating licence" means public vehicle operating licence issued under this Act; "operating licence";
- (g) "public vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs nor motor vehicles operated solely within the corporate limits of one urban municipality; "public
vehicle".
- (h) "regulations" means regulations made under this Act; "regula-
tions";
- (i) "taxicab" means a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of "taxicab";

not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;

"toll"; (j) "toll" means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;

"vehicle licence". (k) "vehicle licence" means public vehicle licence issued under this Act. R.S.O. 1937, c. 289, s. 1; 1948, c. 75, s. 1, *amended*.

Operating licence required. **2.**—(1) No person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. R.S.O. 1937, c. 289, s. 2 (1), *amended*.

Vehicle licence required. (2) No person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act. *New.*

Advertising by unlicensed persons. (3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. R.S.O. 1937, c. 289, s. 2 (2).

Approval of Board. **3.**—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal of licence. (2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 289, s. 3 (1, 3), *amended*.

Transfer of licence. (3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration of licence. (4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. *New.*

Powers of Board. (5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make

such order as it deems just. R.S.O. 1937, c. 289, s. 3 (2),
amended.

4. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 289, s. 2 (4),
amended.

5. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the licence. R.S.O. 1937, c. 289, s. 2 (5),
amended.

6.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry, and subject to subsection 1 of section 15 no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence. R.S.O. 1937, c. 289, s. 2 (6); 1941, c. 55, s. 28 (1), *amended.*

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1937, c. 289, s. 2 (10),
amended.

7.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence, without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality.

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality. 1948, c. 75, s. 2, *amended.*

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1937, c. 289, s. 4 (2),
amended.

8. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public payment of annual charge to city.

vehicle over a route partly within and partly without the limits of such city to pay to the city a fee or charge not being in the nature of a licence fee, and such by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1937, c. 289, s. 5, *amended*.

Tolls.

9.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tariffs
subject to
revision by
Minister.

(2) A tariff of tolls approved by the Minister shall be subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1937, c. 289, s. 6, *amended*.

Cancellation
and
suspension
of licences.

Rev. Stat.,
c. 288.

10. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1937, c. 289, s. 7, *amended*.

Transfer of
licences.

11. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1937, c. 289, s. 8, *amended*.

Prohibition
as to
drinking.

12. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1937, c. 289, s. 17.

Smoking.

13. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1937, c. 289, s. 18, *amended*.

Right of
person to be
transported.

14. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1937, c. 289, s. 20, *amended*.

Passengers
not to be
allowed on
running
board, etc.

15.—(1) No driver or operator shall allow passengers to ride on the running boards, fenders or any part of a public

vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

(2) No driver or operator of a public vehicle shall permit ^{Restrictions as to seating.} or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

(3) No passenger shall be allowed to sit on the front seat ^{Beside driver.} to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1937, c. 289, s. 21 (1-3), *amended*.

16. Except when specially authorized by the Minister, no ^{Trailers prohibited.} person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may be towed to the nearest point where repair ^{Exception.} facilities are available. R.S.O. 1937, c. 289, s. 22, *amended*.

17. A public vehicle shall not carry or transport any ^{Luggage.} luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1937, c. 289, s. 23.

18. Every public vehicle shall have at least two doors or ^{Exits.} exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. R.S.O. 1937, c. 289, s. 24, *amended*.

19. Every person licensed under this Act shall provide or ^{Insurance.} effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1937, c. 289, s. 25 (1), *amended*.

20.—(1) Every insurer who has issued a policy of insurance ^{Certificate of insurance.} in accordance with section 19 shall issue a certificate thereof which shall be filed with the Minister.

(2) Such certificate shall be deemed to be a conclusive ^{Effect of certificate.} admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

(3) Every insurer shall notify the Minister in writing of ^{Notice of cancellation or expiry of insurance.} the cancellation or expiry of any policy, for which a certificate has been issued, at least ten days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 20, s. 1, *part*.

Cancellation
or expiry
of bond.

21. A bond issued in accordance with section 19 shall not be cancelled or expire except after ten days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 20, s. 1, *part*.

Offences and
penalties.

22.—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200.

Disposition
of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 289, s. 27, *amended*.

Recovery of
penalties.

Rev. Stat.,
c. 136.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 289, s. 28.

Consent to
prosecutions.

23. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1941, c. 55, s. 28 (2), *amended*.

Regulations.

24. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

- (h) providing for the examination of public vehicles their contents and equipment by officers of the Department;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
- (j) prescribing the qualifications of drivers of public vehicles;
- (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which such equipment shall be kept;
- (l) defining chartered trips, special trips and school buses and prescribing special terms and conditions with respect to such trips and buses;
- (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1945, c. 20, s. 1, *part, amended.*

25. *The Public Vehicle Act*, section 28 of *The Statute Law Rev. Stat.*, c. 289; 1941, *Amendment Act*, 1941, sections 34 and 35 of *The Statute Law Amendment Act*, 1943, c. 28; 1943, ss. 34, 35; *The Public Vehicle Amendment Act*, 1945, c. 20; 1945, c. 20, *repealed*.
The Public Vehicle Amendment Act, 1948, c. 75; 1948, c. 75; *repealed*.

26. This Act shall come into force on the 1st day of September, 1949. Commencement of Act.

27. This Act may be cited as *The Public Vehicle Act, 1949*. Short title.

The Public Vehicle Act, 1949.

1st Reading

March 24th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Vehicle Act, 1949.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This Act is a consolidation of the present Act and amendments and involves no change in principle.

The definition of "compensation" in section 1 is new and a complementary change has been made in the definition of public vehicle (section 1).

It is made clear that two types of licence are required under the Act viz., a public vehicle operating licence which is the authority for carrying on the business, and a vehicle licence issued in respect of each vehicle used in the business (sections 1 and 2). This simply confirms present practice.

The provisions of subsections 3 and 4 of section 3 of the bill are new.

Several sections of the present Act which deal with the equipment to be provided on public vehicles e.g. types of lights, brakes, fire extinguishers etc., are omitted from this Act and a general authority is given to make regulations respecting these matters (section 24, clause *k*).

The references in the present Act to the Department of Highways are replaced by references to the Minister of Highways and authority is given to delegate the Minister's power by regulation (section 24, clause *m*).

No. 167

1949

BILL

The Public Vehicle Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; "compensa-
tion";
- (c) "Department" means Department of Highways; "Depart-
ment";
- (d) "highway" means highway as defined in *The Highway Traffic Act*; "highway";
Rev. Stat., c. 288.
- (e) "Minister" means Minister of Highways; "Minister";
- (f) "operating licence" means public vehicle operating licence issued under this Act; "operating licence";
- (g) "public vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs nor motor vehicles operated solely within the corporate limits of one urban municipality; "public
vehicle".
- (h) "regulations" means regulations made under this Act; "regula-
tions";
- (i) "taxicab" means a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of "taxicab";

not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;

"toll"; (j) "toll" means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;

"vehicle licence". (k) "vehicle licence" means public vehicle licence issued under this Act. R.S.O. 1937, c. 289, s. 1; 1948, c. 75, s. 1, *amended*.

Operating licence required. **2.**—(1) No person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. R.S.O. 1937, c. 289, s. 2 (1), *amended*.

Vehicle licence required. (2) No person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act. *New.*

Advertising by unlicensed persons. (3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. R.S.O. 1937, c. 289, s. 2 (2).

Approval of Board. **3.**—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal of licence. (2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 289, s. 3 (1, 3), *amended*.

Transfer of licence. (3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration of licence. (4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. *New.*

Powers of Board. (5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make

such order as it deems just. R.S.O. 1937, c. 289, s. 3 (2), *amended.*

4. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 289, s. 2 (4), *amended.*

5. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the licence. R.S.O. 1937, c. 289, s. 2 (5), *amended.*

6.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry, and subject to subsection 1 of section 15 no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence. R.S.O. 1937, c. 289, s. 2 (6); 1941, c. 55, s. 28 (1), *amended.*

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1937, c. 289, s. 2 (10), *amended.*

7.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence, without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality.

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality. 1948, c. 75, s. 2, *amended.*

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1937, c. 289, s. 4 (2), *amended.*

8. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public

Payment of annual charge to city.

vehicle over a route partly within and partly without the limits of such city to pay to the city a fee or charge not being in the nature of a licence fee, and such by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1937, c. 289, s. 5, *amended*.

Toils.

9.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tariffs
subject to
revision by
Minister.

(2) A tariff of tolls approved by the Minister shall be subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1937, c. 289, s. 6, *amended*.

Cancellation
and
suspension
of licences.

Rev. Stat.,
c. 288.

10. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1937, c. 289, s. 7, *amended*.

Transfer of
licences.

11. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1937, c. 289, s. 8, *amended*.

Prohibition
as to
drinking.

12. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1937, c. 289, s. 17.

Smoking.

13. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1937, c. 289, s. 18, *amended*.

Right of
person to be
transported.

14. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1937, c. 289, s. 20, *amended*.

Passengers
not to be
allowed on
running
board, etc.

15.—(1) No driver or operator shall allow passengers to ride on the running boards, fenders or any part of a public

vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

(2) No driver or operator of a public vehicle shall permit ^{Restrictions as to seating.} or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

(3) No passenger shall be allowed to sit on the front seat ^{Beside driver.} to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1937, c. 289, s. 21 (1-3), *amended*.

16. Except when specially authorized by the Minister, no ^{Trailers prohibited.} person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may be towed to the nearest point where repair ^{Exception.} facilities are available. R.S.O. 1937, c. 289, s. 22, *amended*.

17. A public vehicle shall not carry or transport any ^{Luggage.} luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1937, c. 289, s. 23.

18. Every public vehicle shall have at least two doors or ^{Exits.} exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. R.S.O. 1937, c. 289, s. 24, *amended*.

19. Every person licensed under this Act shall provide or ^{Insurance.} effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1937, c. 289, s. 25 (1), *amended*.

20.—(1) Every insurer who has issued a policy of insurance ^{Certificate of} in accordance with section 19 shall issue a certificate thereof ^{insurance.} which shall be filed with the Minister.

(2) Such certificate shall be deemed to be a conclusive ^{Effect of} admission by the insurer that the policy has been issued and ^{Certificate.} is in accordance with the terms of the certificate.

(3) Every insurer shall notify the Minister in writing of ^{Notice of cancellation or expiry of} the cancellation or expiry of any policy, for which a certificate ^{of insurance.} has been issued, at least thirty days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 20, s. 1, *part*.

Cancellation or expiry of bond. **21.** A bond issued in accordance with section 19 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 20, s. 1, *part*.

Offences and penalties. **22.—(1)** Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200.

Disposition of penalties. **(2)** Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 289, s. 27, *amended*.

Recovery of penalties. **(3)** The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 136. Rev. Stat., c. 289, s. 28.

Consent to prosecutions. **23.** No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1941, c. 55, s. 28 (2), *amended*.

Regulations. **24.** The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

- (h) providing for the examination of public vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
- (j) prescribing the qualifications of drivers of public vehicles;
- (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which such equipment shall be kept;
- (l) defining chartered trips, special trips and school buses and prescribing special terms and conditions with respect to such trips and buses;
- (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1945, c. 20, s. 1, *part, amended.*

25. *The Public Vehicle Act*, section 28 of *The Statute Law Rev. Stat., Amendment Act, 1941*, sections 34 and 35 of *The Statute Law Amendment Act, 1943*, *The Public Vehicle Amendment Act, 1945* and *The Public Vehicle Amendment Act, 1948* are repealed.

26. This Act shall come into force on the 1st day of September, 1949. Commencement of Act.

27. This Act may be cited as *The Public Vehicle Act, 1949*. Short title.

The Public Vehicle Act, 1949.

1st Reading

March 24th, 1949

2nd Reading

March 29th, 1949

3rd Reading

MR. DOUCETT

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Vehicle Act, 1949.

MR. DOUCETT

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No. 167

1949

BILL

The Public Vehicle Act, 1949.

HIIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,— Interpre-
tation,—
- (a) “Board” means Ontario Municipal Board; “Board”;
- (b) “compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; “compensa-
tion”;—
- (c) “Department” means Department of Highways; “Depart-
ment”;—
- (d) “highway” means highway as defined in *The Highway Traffic Act*; “highway”;—
Rev. Stat.,
c. 288.
- (e) “Minister” means Minister of Highways; “Minister”;—
- (f) “operating licence” means public vehicle operating licence issued under this Act; “operating
licence”;—
- (g) “public vehicle” means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs nor motor vehicles operated solely within the corporate limits of one urban municipality; “public
vehicle”;—
- (h) “regulations” means regulations made under this Act; “regula-
tions”;—
- (i) “taxicab” means a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of

not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;

"toll"; (j) "toll" means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;

"vehicle licence". (k) "vehicle licence" means public vehicle licence issued under this Act. R.S.O. 1937, c. 289, s. 1; 1948, c. 75, s. 1, *amended*.

Operating licence required. **2.**—(1) No person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. R.S.O. 1937, c. 289, s. 2 (1), *amended*.

Vehicle licence required. (2) No person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act. *New.*

Advertising by unlicensed persons. (3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. R.S.O. 1937, c. 289, s. 2 (2).

Approval of Board. **3.**—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal of licence. (2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 289, s. 3 (1, 3), *amended*.

Transfer of licence. (3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration of licence. (4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. *New.*

Powers of Board. (5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make

such order as it deems just. R.S.O. 1937, c. 289, s. 3 (2), *amended.*

4. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 289, s. 2 (4), *amended.*

5. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the licence. R.S.O. 1937, c. 289, s. 2 (5), *amended.*

6.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry, and subject to subsection 1 of section 15 no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence. R.S.O. 1937, c. 289, s. 2 (6); 1941, c. 55, s. 28 (1), *amended.*

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1937, c. 289, s. 2 (10), *amended.*

7.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence, without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality.

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality. 1948, c. 75, s. 2, *amended.*

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1937, c. 289, s. 4 (2), *amended.*

8. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public Payment of annual charge to city.

vehicle over a route partly within and partly without the limits of such city to pay to the city a fee or charge not being in the nature of a licence fee, and such by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1937, c. 289, s. 5, *amended*.

Tolls.

9.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tariffs subject to revision by Minister.

(2) A tariff of tolls approved by the Minister shall be subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1937, c. 289, s. 6, *amended*.

Cancellation and suspension of licences.

Rev. Stat., c. 288.

10. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1937, c. 289, s. 7, *amended*.

Transfer of licences.

11. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1937, c. 289, s. 8, *amended*.

Prohibition as to drinking.

12. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1937, c. 289, s. 17.

Smoking.

13. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1937, c. 289, s. 18, *amended*.

Right of person to be transported.

14. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1937, c. 289, s. 20, *amended*.

Passengers not to be allowed on running board, etc.

15.—(1) No driver or operator shall allow passengers to ride on the running boards, fenders or any part of a public

vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

(2) No driver or operator of a public vehicle shall permit ^{Restrictions as to seating.} or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

(3) No passenger shall be allowed to sit on the front seat ^{Beside driver.} to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1937, c. 289, s. 21 (1-3), *amended*.

16. Except when specially authorized by the Minister, no ^{Trailers prohibited.} person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may be towed to the nearest point where repair ^{Exception.} facilities are available. R.S.O. 1937, c. 289, s. 22, *amended*.

17. A public vehicle shall not carry or transport any ^{Luggage.} luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1937, c. 289, s. 23.

18. Every public vehicle shall have at least two doors or ^{Exits.} exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. R.S.O. 1937, c. 289, s. 24, *amended*.

19. Every person licensed under this Act shall provide or ^{Insurance.} effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1937, c. 289, s. 25 (1), *amended*.

20.—(1) Every insurer who has issued a policy of insurance ^{Certificate of insurance.} in accordance with section 19 shall issue a certificate thereof which shall be filed with the Minister.

(2) Such certificate shall be deemed to be a conclusive ^{Effect of certificate.} admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

(3) Every insurer shall notify the Minister in writing of ^{Notice of cancellation or expiry of insurance.} the cancellation or expiry of any policy, for which a certificate has been issued, at least thirty days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 20, s. 1, *part*.

Cancellation or expiry of bond. **21.** A bond issued in accordance with section 19 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 20, s. 1, *part.*

Offences and penalties. **22.**—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200.

Disposition of penalties. (2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 289, s. 27, *amended.*

Recovery of penalties. **Rev. Stat., c. 136.** (3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act.* R.S.O. 1937, c. 289, s. 28.

Consent to prosecutions. **23.** No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1941, c. 55, s. 28 (2), *amended.*

Regulations. **24.** The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

- (h) providing for the examination of public vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
- (j) prescribing the qualifications of drivers of public vehicles;
- (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which such equipment shall be kept;
- (l) defining chartered trips, special trips and school buses and prescribing special terms and conditions with respect to such trips and buses;
- (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1945, c. 20, s. 1, *part, amended.*

25. *The Public Vehicle Act*, section 28 of *The Statute Law Rev. Stat., Amendment Act, 1941*, sections 34 and 35 of *The Statute c. 289; 1941, Law Amendment Act, 1943*, *The Public Vehicle Amendment Act, 1943, c. 55, s. 28; ss. 34, 35; 1945, c. 20; 1948, c. 75; repealed.*

26. This Act shall come into force on the 1st day of ^{Commencement of Act,} September, 1949.

27. This Act may be cited as *The Public Vehicle Act, 1949.* Short title.

The Public Vehicle Act, 1949.

1st Reading

March 24th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. DOUCETT

NO. 168

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Commercial Vehicle Act, 1949.

MR. DOUCETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This is a companion bill to Bill No. 167, *The Public Vehicle Act, 1949*. *The Public Vehicle Act* and *The Commercial Vehicle Act* are re-enacted to make procedural and other matters under the Acts parallel.

There is very little change in principle in the Bill. The definition and provisions for licensing of private commercial vehicles are omitted as no use has been made of these provisions.

The definition of "compensation" in section 1 is new and a complementary change has been made in the definition of public commercial vehicle. (Section 1.)

It is made clear that two types of licences are required under the Act viz., a public commercial vehicle operating licence which is the authority for carrying on the business, and a vehicle licence issued in respect of each vehicle used in the business (Sections 1 and 2). This confirms present practice.

Section 6 is new and makes it clear that operating licences may define routes etc. to be used in the business.

The other new provisions, which are chiefly taken from *The Public Vehicle Act* are sections 6, 7, 8 and 9 and clauses *h*, *m* and *o* of section 15, and the provision respecting examination of books, records and documents in clause *l* of section 15.

No. 168

1949

BILL

The Public Commercial Vehicle Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; "compen-
sation";
- (c) "Department" means Department of Highways; "Depart-
ment";
- (d) "goods" includes all classes of materials, wares and "goods"; merchandise, live stock and milk;
- (e) "highway" means highway as defined in *The Highway Traffic Act*; "highway"
Rev. Stat., c. 288.
- (f) "Minister" means Minister of Highways; "Minister";
- (g) "owner" means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle; "owner";
- (h) "operating licence" means public commercial vehicle operating licence issued under this Act; "operating licence";
- (i) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest; "public
commercial
vehicle";

- "regulations"; (j) "regulations" means regulations made under this Act;
- "toll"; (k) "toll" means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;
- "transportation"; (l) "transportation" with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;
- "urban zone"; (m) "urban zone" means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom;
- "vehicle licence". (n) "vehicle licence" means public commercial vehicle licence issued under this Act. R.S.O. 1937, c. 290, s. 1, *amended*.

Operating licence required.

2.—(1) No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods except under an operating licence. R.S.O. 1937, c. 290, s. 2, *amended*.

Vehicle licence required.

(2) No person shall operate a public commercial vehicle unless such vehicle is licensed as a public commercial vehicle under this Act. *New*.

Agents.

3.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency authority.

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. R.S.O. 1937, c. 290, s. 3.

Approval of Board.

4.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal of licence.

(2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 290, s. 4 (1, 2), *amended*.

Transfer of licence.

(3) The Minister may refer any application for the transfer of an operating licence to the Board.

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. 1947, c. 101, s. 4, *part, amended.*

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make such order as it deems just. R.S.O. 1937, c. 290, s. 8; 1947, c. 101, s. 4, *part, amended.*

5. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 290, s. 6, *amended.*

6. An operating licence may confer special or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the licence. *New.*

7.—(1) A vehicle licence may fix the tonnage that the vehicle may carry, and no vehicle shall at any time carry more tonnage than is fixed by the licence.

(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. *New.*

8. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. *New.*

9. No operating licence shall be transferred except with the written approval of the Minister. *New.*

10. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. 1945, c. 4, s. 1, *part, amended.*

11.—(1) Every insurer who has issued a policy of insurance in accordance with section 10 shall issue a certificate thereof which shall be filed with the Minister.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

Notice of cancellation or expiry of insurance.

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy, for which a certificate has been issued, at least ten days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 4, s. 1, *part, amended*.

Cancellation or expiry of bond.

12. A bond issued in accordance with section 10 shall not be cancelled or expire except after ten days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 4, s. 1, *part, amended*.

Offences and penalties.

13.—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200. R.S.O. 1937, c. 290, s. 9 (1), *amended*.

Disposition of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.*

Recovery of penalties.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 290, s. 9 (3).

Rev. Stat., c. 136.

14. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1937, c. 290, s. 9 (2), *amended*.

Consent to prosecutions.

15. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences and classes of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;

- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (h) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public commercial vehicles;
- (j) prescribing the qualifications of drivers of public commercial vehicles;
- (k) prescribing equipment to be carried by public commercial vehicles and the conditions and location in which such equipment shall be kept;
- (l) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
- (m) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
- (n) prescribing the form of bill of lading to be used;
- (o) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 290, s. 7; 1945, c. 4, s. 2, amended.

16. *The Commercial Vehicle Act, The Commercial Vehicle Amendment Act, 1945, and section 4 of The Statute Law Amendment Act, 1947* are repealed.

17. This Act shall come into force on the 1st day of September, 1949.

18. This Act may be cited as *The Public Commercial Vehicle Act, 1949.*

The Public Commercial Vehicle Act, 1949.

1st Reading

March 24th, 1949

2nd Reading

3rdrd Reading

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Commercial Vehicle Act, 1949.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This is a companion bill to Bill No. 167, *The Public Vehicle Act, 1949*. *The Public Vehicle Act* and *The Commercial Vehicle Act* are re-enacted to make procedural and other matters under the Acts parallel.

There is very little change in principal in the Bill. The definition and provisions for licensing of private commercial vehicles are omitted as no use has been made of these provisions.

The definition of "compensation" in section 1 is new and a complementary change has been made in the definition of public commercial vehicle. (Section 1.)

It is made clear that two types of licences are required under the Act viz., a public commercial vehicle operating licence which is the authority for carrying on the business, and a vehicle licence issued in respect of each vehicle used in the business (Sections 1 and 2). This confirms present practice.

Section 6 is new and makes it clear that operating licences may define routes etc. to be used in the business.

The other new provisions, which are chiefly taken from *The Public Vehicle Act* are sections 6, 7, 8 and 9 and clauses *h*, *m* and *o* of section 15, and the provision respecting examination of books, records and documents in clause *l* of section 15.

No. 168

1949

BILL

The Public Commercial Vehicle Act, 1949.

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1. In this Act,— Interpre-
tation,—
- (a) “Board” means Ontario Municipal Board; “Board”;
- (b) “compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; “compen-
sation”;
- (c) “Department” means Department of Highways; “Depart-
ment”;
- (d) “goods” includes all classes of materials, wares and “goods”; merchandise, live stock and milk;
- (e) “highway” means highway as defined in *The Highway Traffic Act*; “highway”
Rev. Stat.,
c. 288.
- (f) “Minister” means Minister of Highways; “Minister”;
- (g) “owner” means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle; “owner”;
- (h) “operating licence” means public commercial vehicle operating licence issued under this Act; “operating
licence”;
- (i) “public commercial vehicle” means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest; “public
commercial
vehicle”;

- "regulations";** (j) "regulations" means regulations made under this Act;
- "toll";** (k) "toll" means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;
- "transportation";** (l) "transportation" with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;
- "urban zone";** (m) "urban zone" means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom;
- "vehicle licence".** (n) "vehicle licence" means public commercial vehicle licence issued under this Act. R.S.O. 1937, c. 290, s. 1, *amended.*

**Operating
licence
required.**

2.—(1) No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods except under an operating licence. R.S.O. 1937, c. 290, s. 2, *amended.*

**Vehicle
licence
required.**

(2) No person shall operate a public commercial vehicle unless such vehicle is licensed as a public commercial vehicle under this Act.

**Advertising
by
unlicensed
persons.**

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. *New.*

Agents.

3.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

**Agency
authority.**

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. R.S.O. 1937, c. 290, s. 3.

**Approval
of Board.**

4.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

(2) The approval of the Board to a renewal of a licence ^{Renewal of licence.} shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 290, s. 4 (1, 2), *amended.*

(3) The Minister may refer any application for the transfer ^{Transfer of licence.} of an operating licence to the Board.

(4) The Minister may at any time refer an operating ^{Alteration of licence.} licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. 1947, c. 101, s. 4, *part, amended.*

(5) On any application or reference to the Board, the ^{Powers of Board.} Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make such order as it deems just. R.S.O. 1937, c. 290, s. 8; 1947, c. 101, s. 4, *part, amended.*

5. Operating and vehicle licences shall be issued by the ^{Issue of licences.} Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 290, s. 6, *amended.*

6. An operating licence may confer special or limited ^{limited rights by licence.} rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the licence. *New.*

7.—(1) A vehicle licence may fix the tonnage that the ^{Tonnage.} vehicle may carry, and no vehicle shall at any time carry more tonnage than is fixed by the licence.

(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuously position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. *New.*

8. The Minister may at any time cancel or suspend any ^{Cancellation and suspension of licences.} licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. *New.*

9. No operating licence shall be transferred except with ^{Transfer of licences.} the written approval of the Minister. *New.*

10. Every person licensed under this Act shall provide or ^{Insurance.} effect and carry such insurance or bond as is prescribed by the regulations. 1945, c. 4, s. 1, *part, amended.*

Certificate of insurance.

11.—(1) Every insurer who has issued a policy of insurance in accordance with section 10 shall issue a certificate thereof which shall be filed with the Minister.

Effect of certificate.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

Notice of cancellation or expiry of insurance.

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy, for which a certificate has been issued, at least thirty days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 4, s. 1, *part, amended.*

Cancellation or expiry of bond.

12. A bond issued in accordance with section 10 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 4, s. 1, *part, amended.*

Offences and penalties.

13.—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200. R.S.O. 1937, c. 290, s. 9 (1), *amended.*

Disposition of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.*

Recovery of penalties.

Rev. Stat., c. 136.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act.* R.S.O. 1937, c. 290, s. 9 (3).

Consent to prosecutions.

14. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1937, c. 290, s. 9 (2), *amended.*

Regulations.

15. The Lieutenant-Governor in Council may make regulations,—

(a) governing the issue, renewal, transfer, suspension and cancellation of licences and classes of licences;

(b) prescribing fees and the basis for computing fees, and respecting payment thereof;

- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (h) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public commercial vehicles;
- (j) prescribing the qualifications of drivers of public commercial vehicles;
- (k) prescribing equipment to be carried by public commercial vehicles and the conditions and location in which such equipment shall be kept;
- (l) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
- (m) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
- (n) prescribing the form of bill of lading to be used;
- (o) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 290, s. 7; 1945, c. 4, s. 2, amended.

Rev. Stat., c. 290; 1945, c. 4; 1947, c. 101, s. 4,
repealed. **16.** *The Commercial Vehicle Act, The Commercial Vehicle
Amendment Act, 1945, and section 4 of The Statute Law
Amendment Act, 1947 are repealed.*

Commence-
ment of Act. **17.** This Act shall come into force on the 1st day of
September, 1949.

Short title. **18.** This Act may be cited as *The Public Commercial
Vehicle Act, 1949.*

The Public Commercial Vehicle Act, 1949.

1st Reading

March 24th, 1949

2nd Reading

March 29th, 1949

3rd Reading

MR. DOUCETT

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Public Commercial Vehicle Act, 1949.

MR. DOUCETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 168

1949

BILL

The Public Commercial Vehicle Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “Board” means Ontario Municipal Board; “Board”;
- (b) “compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; “compen-
sation”;
- (c) “Department” means Department of Highways; “Depart-
ment”;
- (d) “goods” includes all classes of materials, wares and “goods”; merchandise, live stock and milk;
- (e) “highway” means highway as defined in *The Highway Traffic Act*; “highway”
Rev. Stat. c. 288.
- (f) “Minister” means Minister of Highways; “Minister”;
- (g) “owner” means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle; “owner”;
- (h) “operating licence” means public commercial vehicle “operating licence”; operating licence issued under this Act;
- (i) “public commercial vehicle” means a commercial “public commercial vehicle”; motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest;

- "regulations";** (j) "regulations" means regulations made under this Act;
- "toll";** (k) "toll" means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;
- "transportation";** (l) "transportation" with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;
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Operating licence required.

2.—(1) No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods except under an operating licence. R.S.O. 1937, c. 290, s. 2, *amended*.

Vehicle licence required.

(2) No person shall operate a public commercial vehicle unless such vehicle is licensed as a public commercial vehicle under this Act.

Advertising by unlicensed persons.

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. *New.*

Agents.

3.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency authority.

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. R.S.O. 1937, c. 290, s. 3.

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(4) The Minister may at any time refer an operating ^{Alteration of licence.} licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. 1947, c. 101, s. 4, *part, amended.*

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(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a ^{Licence plate to be plainly exposed.} spurious position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. *New.*

8. The Minister may at any time cancel or suspend any ^{Cancellation and suspension of licences.} licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. *New.* ^{Rev. Stat., c. 288.}

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(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New.*

Recovery of penalties.

Rev. Stat., c. 136.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 290, s. 9 (3).

Consent to prosecutions.

14. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1937, c. 290, s. 9 (2), *amended*.

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- (h) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
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- (k) prescribing equipment to be carried by public commercial vehicles and the conditions and location in which such equipment shall be kept;
- (l) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
- (m) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
- (n) prescribing the form of bill of lading to be used;
- (o) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 290, s. 7; 1945, c. 4, s. 2, *amended.*

Rev. Stat., c. 290; 1945, c. 4; 1947, c. 101, s. 4, **16.** *The Commercial Vehicle Act, The Commercial Vehicle Amendment Act, 1945*, and section 4 of *The Statute Law Repealed. Amendment Act, 1947* are repealed.

Commencement of Act. **17.** This Act shall come into force on the 1st day of September, 1949.

Short title. **18.** This Act may be cited as *The Public Commercial Vehicle Act, 1949*.

The Public Commercial Vehicle Act, 1949

1st Reading

March 24th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Certain Charitable and Other Gifts.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 169

1949

BILL

An Act respecting Certain Charitable and Other Gifts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Wherever any interest in any business that is carried on for gain or profit is given to or vested in any person in any capacity for any religious, charitable, educational or public purpose, such person shall dispose of such portion thereof that represents more than a ten per centum interest in such business.

(2) Subsection 1 shall not apply to any interest in any business given to or vested in any organization of religious denomination.

(3) Where the interest so given or vested is subject to any life interest, life annuity or income for life, so much of the interest so given or vested as is necessary to provide such life interest, life annuity or income for life shall be deemed to be so given or vested when such life interest, life annuity or income for life ceases to exist.

2.—(1) Where the interest was so given or vested before the 1st day of April, 1949, section 1 shall be complied with before the 1st day of April, 1952.

(2) Where the interest is so given or vested on or after the 1st day of April, 1949, section 1 shall be complied with before the 1st day of April, 1952, or within three years after such interest is so given or vested, whichever is later.

3. The proceeds of any such disposition may be invested only in investments authorized by *The Companies Act* for the investment of the funds of joint stock insurance companies, but no such investment shall be made that represents more than a ten per centum interest in any one corporation.

Investiga-
tion.

4.—(1) The Treasurer of Ontario may appoint any person to make such investigation as he deems expedient respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

Powers of
investigator.
Rev. Stat.,
c. 19.

(2) Every person so appointed shall have the same powers as may be given to a commissioner appointed under *The Public Inquiries Act*.

Powers of
Court.

5. Where any person contravenes any provision of this Act the Supreme Court shall make such orders as are necessary to carry out the provisions of this Act.

Offences and
penalties.

6. Any person who contravenes any provision of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 or more than \$5,000 or to imprisonment for any term not exceeding one year, or to both fine and imprisonment.

Commencement
of Act.

7. This Act shall come into force on the 1st day of April, 1949.

Short title.

8. This Act may be cited as *The Charitable Gifts Act, 1949*.

An Act respecting Certain
Charitable and Other Gifts.

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Certain Charitable and Other Gifts.

MR. FROST

(Reprinted as amended by the Committee of the
Whole House.)

1000

Given by the 30th day of November, 1890, to the
University of Michigan, by Dr. Charles H. Smith.

BILL

An Act respecting Certain Charitable and Other Gifts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Wherever any interest in any business that is carried on for gain or profit is given to or vested in any person in any capacity for any religious, charitable, educational or public purpose, such person shall dispose of such portion thereof that represents more than a ten per centum interest in such business.

(2) Subsection 1 shall not apply to any interest in any business given to or vested in any organization of any religious denomination.

(3) Where the interest so given or vested is subject to any life interest, life annuity or income for life, so much of the interest so given or vested as is necessary to provide such life interest, life annuity or income for life shall be deemed to be so given or vested when such life interest, life annuity or income for life ceases to exist.

2.—(1) Where the interest was so given or vested before the day on which this Act came into force, section 1 shall be complied with within seven years after such day or within such extended period as may be determined by the Supreme Court.

(2) Where the interest is so given or vested on or after the day on which this Act came into force, section 1 shall be complied with within seven years after such interest is so given or vested or within such extended period as may be determined by the Supreme Court.

3.—(1) Where and so long as the interest so given or vested represents more than a fifty per centum interest in such business the person to whom it is given or in whom it is vested

and the Public Trustee shall on or before the 30th day of June in each year determine jointly the amount of the profits earned by such business in its fiscal year ending during the calendar year next preceding.

Distribution of profits.

(2) The interest of such person in the then undistributed profits shall be paid over by such business to such person in the amounts and on the dates determined jointly by such person and the Public Trustee.

Determination by Supreme Court.

(3) If such person and the Public Trustee fail to determine jointly any matter mentioned in subsection 1 or 2 the matter shall be determined by the Supreme Court.

Annual return.

(4) For the purposes of this section such person shall on or before the 31st day of March in each such year deliver to the Public Trustee a return with respect to its fiscal year ending during the calendar year next preceding showing,—

- (a) the assets and liabilities of such business;
- (b) all accounts of profit and loss of such business;
- (c) the particulars of any fee paid to any director; and
- (d) where the amount of salary and other remuneration paid to any person is \$8,000 or more, the particulars thereof,

and such return shall be verified by the certificate of an officer of such business that the statements therein are true.

Examination of books, etc.

(5) For the purposes of this section the Public Trustee may require such further or other information and may make such examination of the accounts and records of such business as he deems necessary.

Rights of acquisition.

4. Where any interest in any business is being disposed of pursuant to section 1, any person acquiring any portion of such interest for other than religious, charitable, educational or public purposes may, subject to the approval of the Supreme Court as to the consideration for and the terms and conditions of the acquisition, so acquire such portion notwithstanding that he is the person disposing of such interest or is an officer, director, agent or employee of such person.

Investment of proceeds.

Rev. Stat., c. 251.

5. The proceeds of any such disposition may be invested only in investments authorized by *The Companies Act* for the investment of the funds of joint stock insurance companies, but no such investment shall be made that results in such person holding more than a ten per centum interest in any one corporation.

6.—(1) The Treasurer of Ontario may appoint any person ^{Investigation.} to make such investigation as he deems expedient respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

(2) Every person so appointed shall have the same powers ^{Powers of investigator.} as may be given to a commissioner appointed under *The Public Inquiries Act.*

^{Rev. Stat., o. 19.}

7. Where any person contravenes any provision of this ^{Powers of Court.} Act the Supreme Court shall make such orders as are necessary to carry out the provisions of this Act.

8. Any person who contravenes any provision of this Act ^{Offences and penalties.} shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 or more than \$5,000 or to imprisonment for any term not exceeding one year, or to both fine and imprisonment.

9. Nothing in this Act shall affect the operation of *The Charities Accounting Act.*

^{Rev. Stat., c. 167 not affected.}

10. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

11. This Act may be cited as *The Charitable Gifts Act, 1949.*

^{Short title.}



An Act respecting Certain
Charitable and Other Gifts.

1st Reading

March 25th, 1949

2nd Reading

April 6th, 1949

3rd Reading

MR. FROST

(Reprinted as amended by the Committee
of the Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Certain Charitable and Other Gifts.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 169

1949

BILL

An Act respecting Certain Charitable and Other Gifts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Wherever any interest in any business that is carried on for gain or profit is given to or vested in any person in any capacity for any religious, charitable, educational or public purpose, such person shall dispose of such portion thereof that represents more than a ten per centum interest in such business.

(2) Subsection 1 shall not apply to any interest in any business given to or vested in any organization of any religious denomination.

(3) Where the interest so given or vested is subject to any life interest, life annuity or income for life, so much of the interest so given or vested as is necessary to provide such life interest, life annuity or income for life shall be deemed to be so given or vested when such life interest, life annuity or income for life ceases to exist.

2.—(1) Where the interest was so given or vested before the day on which this Act came into force, section 1 shall be complied with within seven years after such day or within such extended period as may be determined by the Supreme Court.

(2) Where the interest is so given or vested on or after the day on which this Act came into force, section 1 shall be complied with within seven years after such interest is so given or vested or within such extended period as may be determined by the Supreme Court.

3.—(1) Where and so long as the interest so given or vested represents more than a fifty per centum interest in such business the person to whom it is given or in whom it is vested

and the Public Trustee shall on or before the 30th day of June in each year determine jointly the amount of the profits earned by such business in its fiscal year ending during the calendar year next preceding.

Distribution of profits.

(2) The interest of such person in the then undistributed profits shall be paid over by such business to such person in the amounts and on the dates determined jointly by such person and the Public Trustee.

Determination by Supreme Court.

(3) If such person and the Public Trustee fail to determine jointly any matter mentioned in subsection 1 or 2 the matter shall be determined by the Supreme Court.

Annual return.

(4) For the purposes of this section such person shall on or before the 31st day of March in each such year deliver to the Public Trustee a return with respect to its fiscal year ending during the calendar year next preceding showing,—

- (a) the assets and liabilities of such business;
- (b) all accounts of profit and loss of such business;
- (c) the particulars of any fee paid to any director; and
- (d) where the amount of salary and other remuneration paid to any person is \$8,000 or more, the particulars thereof,

and such return shall be verified by the certificate of an officer of such business that the statements therein are true.

Examination of books, etc.

(5) For the purposes of this section the Public Trustee may require such further or other information and may make such examination of the accounts and records of such business as he deems necessary.

Rights of acquisition.

4. Where any interest in any business is being disposed of pursuant to section 1, any person acquiring any portion of such interest for other than religious, charitable, educational or public purposes may, subject to the approval of the Supreme Court as to the consideration for and the terms and conditions of the acquisition, so acquire such portion notwithstanding that he is the person disposing of such interest or is an officer, director, agent or employee of such person.

Investment of proceeds.

Rev. Stat., c. 251.

5. The proceeds of any such disposition may be invested only in investments authorized by *The Companies Act* for the investment of the funds of joint stock insurance companies, but no such investment shall be made that results in such person holding more than a ten per centum interest in any one corporation.

6.—(1) The Treasurer of Ontario may appoint any person ^{Investigation.} to make such investigation as he deems expedient respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested.

(2) Every person so appointed shall have the same powers ^{Powers of investigator.} as may be given to a commissioner appointed under *The Public Inquiries Act.*

^{Rev. Stat. c. 19.}

7. Where any person contravenes any provision of this ^{Powers of Court.} Act the Supreme Court shall make such orders as are necessary to carry out the provisions of this Act.

8. Any person who contravenes any provision of this Act ^{Offences and penalties.} shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 or more than \$5,000 or to imprisonment for any term not exceeding one year, or to both fine and imprisonment.

9. Nothing in this Act shall affect the operation of *The Charities Accounting Act.*

^{Rev. Stat., c. 167 not affected.}

10. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

11. This Act may be cited as *The Charitable Gifts Act, 1949.* ^{Short title.}

An Act respecting Certain
Charitable and Other Gifts.

1st Reading

March 25th, 1949

2nd Reading

April 6th, 1949

3rd Reading

April 7th, 1949

MR. FROST

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. MILLARD

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. *The Liquor Licence Act, 1946* provides that no stores shall be established and no premises licensed in so-called "local option areas" until an affirmative vote has been registered as provided in section 69. There are many municipalities, however, in which no local option by-law was previously in force, but in which no facilities for the sale of liquor have existed. The purpose of this Bill is to provide that no liquor, beer or wine store shall be established in such a municipality unless the people living there vote for it. They are already protected against the establishment of licensed premises by section 23 of the Act.

SECTION 2. The amendment is necessary to provide for the taking of the vote contemplated in the new subsection which is added to section 68.

No. 170

1949

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 68 of *The Liquor Licence Act, 1946* is amended <sup>1946,
c. 47, s. 68,</sup> ~~1946,
c. 47, s. 68,~~ ^{amended.} by adding thereto the following subsection:
 - (2) Except as provided by this Act and the regulations, ^{Idem.} no government store for the sale of liquor and no store for the sale of beer only shall be established and no Ontario wine store shall be authorized in any municipality where no such store is at the time in operation until a vote has been taken in the manner provided in section 69.
2. Subsection 1 of section 69 of *The Liquor Licence Act, 1946*, ^{c. 47, s. 69,} ~~1946,
c. 47, s. 69,~~ ^{amended.} is amended by inserting after the word "force" in the ^{subs. 1,} ~~subs. 1,~~ second line the words "or in which a government store for the sale of liquor or a store for the sale of beer only or an Ontario wine store is not at the time in operation", so that the subsection, exclusive of the questions, shall read as follows:
 - (1) The council of any municipality in which a by-law <sup>Submission
of question.</sup> mentioned in section 68 is in force or in which a government store for the sale of liquor or a store for the sale of beer only or an Ontario wine store is not at the time in operation may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions:
 - • • •
3. This Act may be cited as *The Liquor Licence Amendment* ^{Short title.} ~~Act, 1949.~~

An Act to amend The Liquor Licence Act,
1946

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. MILLARD

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Securities Act, 1947.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. At present an application for registration must be accompanied by a bond. The bond will be no longer required under the re-enacted section 10.

SECTION 2 is complementary to the change in section 10.

SECTION 3 deals with bonds which have been forfeited and the present provisions in the Act will apply to such bonds until they have finally been disposed of.

SECTION 4. The commencement date is the date that new registrations are received.

No. 171

1949

BILL

An Act to amend The Securities Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Securities Act, 1947* is repealed and the following substituted therefor: 1947, c. 98.
s. 10, re-enacted.

10. Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such proper fees. Application
to be upon forms with fees as may be prescribed by the regulations.

2. Part III of *The Securities Act, 1947* is repealed. 1947, c. 98.
ss. 21, 22,
23, 24, 25,
repealed.

3.—(1) Where a charge has been laid with respect to any offence mentioned in clause *a* of subsection 1 of section 21 of *The Securities Act, 1947* before this Act comes into force the provisions of section 21 of the said Act shall apply to such offence until the charge is disposed of in the same manner as though this Act had not been passed. Pending actions.

(2) Every bond other than those that may be forfeited by reason of a charge having been laid before this Act comes into force shall be void on the day this Act comes into force and the collateral security that accompanied such bond shall be returned to the applicant. Bonds void;
repayment of collateral security.

(3) Where a bond is forfeited and the amount thereof becomes due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario under section 21 of *The Securities Act, 1947* the provisions of sections 22, 23, 24 and 25 of the said Act shall apply to such forfeiture and amount due and owing in the same manner as though this Act had not been passed. Bonds forfeited.

4. This Act shall come into force on the 1st day of April, 1949. Commencement of Act.

5. This Act may be cited as *The Securities Amendment Act, 1949*. Short title.

An Act to amend The Securities Act, 1947.

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Securities Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 171

1949

BILL

An Act to amend The Securities Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Securities Act, 1947* is repealed and the following substituted therefor: 1947, c. 98,
s. 10, re-enacted.
10. Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. Application to be upon forms with proper fees.
2. Part III of *The Securities Act, 1947* is repealed. 1947, c. 98,
ss. 21, 22,
23, 24, 25,
repealed.
- 3.—(1) Where a charge has been laid with respect to any offence mentioned in clause *a* of subsection 1 of section 21 of *The Securities Act, 1947* before this Act comes into force the provisions of section 21 of the said Act shall apply to such offence until the charge is disposed of in the same manner as though this Act had not been passed. Pending actions.
- (2) Every bond other than those that may be forfeited by reason of a charge having been laid before this Act comes into force shall be void on the day this Act comes into force and the collateral security that accompanied such bond shall be returned to the applicant. Bonds void;
repayment of collateral security.
- (3) Where a bond is forfeited and the amount thereof becomes due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario under section 21 of *The Securities Act, 1947* the provisions of sections 22, 23, 24 and 25 of the said Act shall apply to such forfeiture and amount due and owing in the same manner as though this Act had not been passed. Bonds forfeited.
4. This Act shall come into force on the 1st day of April, 1949. Commencement of Act.
5. This Act may be cited as *The Securities Amendment Act, 1949*. Short title.

An Act to amend The Securities Act, 1947.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Statute Law Amendment Act, 1949.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This Act has never been proclaimed in force.

SECTION 2. The provisions repealed provide that a local inspector of anatomy shall inspect the authorized practical anatomy rooms in his locality at least once in every six weeks. The need for such inspection has ceased to exist, the four schools in the province being attached to recognized universities and each of them being under the supervision of a responsible professor of anatomy.

SECTION 3—Subsection 1. At present a municipality that has expropriated any cemetery has no power to convey such cemetery. The new section gives such power.

Subsection 2. At present a certificate cannot be issued where the death takes place outside Ontario and it is desired to cremate the body in Ontario. The new section makes it possible to issue such a certificate and to cremate the body in Ontario.

No. 172

1949

BILL

The Statute Law Amendment Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Active Service Life Insurance Protection Act, 1944* 1944, c. 3, repealed.

2. Clause *d* of section 7 of *The Anatomy Act* is repealed.

Rev. Stat.,
c. 226, s. 7,
cl. *d*,
repealed.

3.—(1) *The Cemetery Act* is amended by adding thereto the following section: Rev. Stat.,
c. 351,
amended.

36b.—(1) Where a local municipality has expropriated a cemetery under section 36a the municipality may, with the approval of the Minister of Health,— Power of
municipality
to convey
cemetery.

(a) convey the cemetery to trustees elected in the manner provided by section 47 or to a company incorporated for the purpose of operating a cemetery upon such trusts as the council of the municipality may deem proper; and

(b) assign to such trustees or company any money or securities held by the municipality for the purpose of providing for perpetual care of graves, lots, gravestones or fences in the cemetery.

(2) Where a municipality has conveyed a cemetery to trustees under this section the provisions of section 47 Application
of s. 47. shall apply *mutatis mutandis*.

(2) Section 52 of *The Cemetery Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 351, s. 52,
amended.

(2) Where the death took place outside of Ontario the where death certificate required by subsection 1 may be issued outside
Ontario. by a duly qualified coroner of the municipality in which the body is to be cremated.

Rev. Stat.,
c. 217, s. 7,
repealed.

4. Section 7 of *The Children of Unmarried Parents Act* is repealed.

Rev. Stat.,
c. 69, s. 5,
cl. i,
repealed.

5.—(1) Clause *i* of section 5 of *The Department of Labour Act* is repealed.

Rev. Stat.,
c. 69,
amended.

(2) *The Department of Labour Act* is amended by adding thereto the following section:

Annual
report.

5a.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Rev. Stat.,
c. 194, s. 1,
cls. *h*, *m*,
re-enacted.

6.—(1) Clauses *h* and *m* of section 1 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

“Minister”;

(h) “Minister” shall mean Minister of Labour;

“Regula-
tions”.

(m) “Regulations” shall mean regulations made under this Act.

Rev. Stat.,
c. 194, s. 56,
subs. 5,
amended.

(2) Subsection 5 of section 56 of *The Factory, Shop and Office Building Act*, as amended by section 14 of *The Factory, Shop and Office Building Amendment Act, 1944*, is further amended by striking out the words “of Labour” in the second line, so that the first two lines of the subsection shall read as follows:

Regulations
as to
inspectors.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

Rev. Stat.,
c. 4, s. 11,
re-enacted.

7. Section 11 of *The Haliburton Act* is repealed and the following substituted therefor:

Appoint-
ment and
salary of
gaoler.

11. The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees for the Provisional County of Haliburton, and fix their salaries which shall be paid by the Provisional County.

Rev. Stat.,
c. 89; 1947,
c. 102, s. 3,
repealed.

8. *The King's Printer Act* and section 3 of *The Statute Law Amendment Act, 1947 (No. 2)* are repealed.

SECTION 4. The section is repealed to conform with the recent change in *The Children's Protection Act*, as set out in section 2 of Bill No. 111.

SECTION 5. Section 5a is added in order to bring the practice with respect to the annual report of the Department of Labour into line with the uniform practice adopted by the Department of the Provincial Secretary.

The repeal of clause *i* is complementary to the new section.

SECTION 6. Self-explanatory.

SECTION 7. The section at present makes provision for the appointment of a gaoler by the sheriff of the County of Victoria. This section is contrary to the principle under section 388 of *The Municipal Act* that all gaolers and gaol employees are appointed by the Lieutenant-Governor in Council. The section as re-enacted puts the Provisional County of Haliburton in the same position as the other counties in this respect.

SECTION 8. The Act provides for the appointment of the King's Printer and sets out his duties, matters that are now within the scope of *The Public Service Act, 1947*. It is therefore repealed.

SECTION 9. At present an investigator is a local authority only in unorganized territory. Under the amendment he will also be a local authority in all welfare units and municipalities in the province.

SECTION 10. See explanatory note for section 9.

SECTION 11—Subsection 1. Under the subsection as amended Ministers' appointments will be renewable.

9.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act, 1948*, c. 58, s. 1, cl. *e*, is repealed and the following substituted therefor: re-enacted.

(*c*) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. “local authority”.

(2) Subsection 1 of section 7 of *The Mothers' Allowances Act, 1948*, c. 58, s. 7, subs. 1, amended. is amended by striking out the article “the” in the third line and where it occurs the second time in the fifth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit, the council of any Local municipality may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, Local authority,—
but until such an appointment is made the clerk of such municipality shall be a local authority. appointment of.

10.—(1) Clause *c* of section 1 of *The Old Age Pensions Act, 1948*, c. 64, s. 1, cl. *c*, is repealed and the following substituted therefor: re-enacted.

(*c*) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. “local authority.”

(2) Subsection 1 of section 15 of *The Old Age Pensions Act, 1948*, c. 64, s. 15, subs. 1, amended. is amended by striking out the article “the” where it occurs the second time in the third line and in the sixth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit the council of any Local municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. Local authority,—
appointment of.

11.—(1) Subsection 2 of section 3 of *The Public Service Act, 1947*, c. 89, s. 3, subs. 2, amended. is amended by striking out the words “from the date thereof and shall not be renewable” in the fifth line, so that the subsection shall read as follows:

Temporary
appoint-
ments.

- (2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year.

1947, c. 89,
s. 34 (1948,
c. 74, s. 7),
amended.

- (2) Section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by adding thereto the following subsection:

Employee
becoming
teacher or
inspector.

1946, c. 96;
1949, c. 00.

- (7a) Where a former employee is employed within the meaning of *The Teachers' and Inspectors' Superannuation Act, 1946* or *The Teachers' Superannuation Act, 1949* his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum, shall be transferred to The Teachers' Superannuation Fund.

1947, c. 89,
s. 36,
re-enacted.

- (3) Section 36 of *The Public Service Act, 1947* is repealed and the following substituted therefor:

Arrange-
ment for
payment.—

out of Fund
into another
superannua-
tion fund;

into Fund
out of
another
superannua-
tion fund.

- 36.—(1) Where an employee becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, with interest at such rate as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

- (2) Where a member of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature becomes an employee and a sum of money is paid into the Fund in respect of the period during which he was a civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant-Governor in Council, may allow him such credit under this Part in respect of the sum and the period of service represented thereby as may be determined.

Commence-
ment of
section.

- (4) This section shall be deemed to have come into force on the 1st day of March, 1948.

1944, c. 54,
s. 3, subs. 2,
amended.

- 12.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944* is amended by striking out the words and figures

Subsection 2. Subsection 7 of section 34 of the Act provides for the transfer of service credits where a teacher or inspector becomes a civil servant. This amendment provides for the transfer of service credits where a civil servant becomes a teacher or inspector.

Subsection 3. Section 36 is re-enacted to bring it into line with recent amendments made to the *Civil Service Superannuation Act* (Canada) and to provide expressly for the transfer of service credits where provincial employees become municipal employees and *vice versa*.

SECTION 12. *The Labour Relations Board Act, 1944* was repealed by
The Labour Relations Act, 1948.

SECTION 13. The section repealed reads:

8. The King's Printer shall, before the opening of every session of the Assembly, make a report to the Lieutenant-Governor, which shall be laid before the Assembly within fifteen days after the opening of such session, showing the number of copies of the Acts of each session which have been printed and distributed by him since the last session, the departments, administrative bodies, officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the number of copies of the Acts of each session then remaining in his hands.

This report is deemed unnecessary in view of section 6 of the Act which provides that the statutes shall be printed, published and distributed by the King's Printer in such manner as may from time to time be prescribed by the Lieutenant-Governor in Council and approved by resolution of the Assembly.

SECTION 14. The clause is amended to make it clear that a trust company which has been substituted under *The Loan and Trust Corporations Act, 1949* as a sole trustee in place of more than one individual trustee may give a valid discharge to any retiring trustee.

SECTION 15. At present an individual carrying on business under a name or style other than his own name may be sued in such name or style. The amendment provides that he may sue as well as be sued in such name or style.

"*The Labour Relations Board Act, 1944*" in the third and fourth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

(2) Subsection 3 of the said section 3 is amended by striking out the words and figures "*The Labour Relations Board Act, 1944*", in the fourth and fifth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

13. Section 8 of *The Statutes Act* is repealed.

Rev. Stat.,
c. 2, s. 8,
repealed.

14. Clause c of section 6 of *The Trustee Act*, as amended by section 41 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words "at least two trustees" in the eighth line and inserting in lieu thereof the words "a trust company or at least two individuals as trustees", so that the clause shall read as follows:

(c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be a trust company or at least two individuals as trustees to perform the trust; and

15. Subsection 1 of section 88 of *The Division Courts Act* is amended by inserting after the word "may" in the fourth line the words "sue and", so that the subsection shall read as follows:

(1) A person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in such name or style.

16. This Act may be cited as *The Statute Law Amendment Act, 1949*. Short title.

The Statute Law Amendment Act, 1949

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Statute Law Amendment Act, 1949.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This Act has never been proclaimed in force.

SECTION 2. The provisions repealed provide that a local inspector of anatomy shall inspect the authorized practical anatomy rooms in his locality at least once in every six weeks. The need for such inspection has ceased to exist, the four schools in the province being attached to recognized universities and each of them being under the supervision of a responsible professor of anatomy.

SECTION 3—Subsection 1. At present a municipality that has expropriated any cemetery has no power to convey such cemetery. The new section gives such power.

Subsection 2. At present a certificate cannot be issued where the death takes place outside Ontario and it is desired to cremate the body in Ontario. The new section makes it possible to issue such a certificate and to cremate the body in Ontario.

No. 172

1949

BILL

The Statute Law Amendment Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Active Service Life Insurance Protection Act, 1944* ^{1944, c. 3,} ~~repealed.~~

2. Clause *d* of section 7 of *The Anatomy Act* is repealed.

Rev. Stat.,
c. 226, s. 7,
cl. *d*,
repealed.

3.—(1) *The Cemetery Act* is amended by adding thereto <sup>Rev. Stat.,
c. 351,
amended.</sup> the following section:

36b.—(1) Where a local municipality has expropriated a cemetery under section 36a the municipality may, with the approval of the Minister of Health,— <sup>Power of
municipality
to convey
cemetery.</sup>

(a) convey the cemetery to trustees elected in the manner provided by section 47 or to a company incorporated for the purpose of operating a cemetery upon such trusts as the council of the municipality may deem proper; and

(b) assign to such trustees or company any money or securities held by the municipality for the purpose of providing for perpetual care of graves, lots, gravestones or fences in the cemetery.

(2) Where a municipality has conveyed a cemetery to trustees under this section the provisions of section 47 <sup>Application
of s. 47.</sup> shall apply *mutatis mutandis*.

(2) Section 52 of *The Cemetery Act* is amended by adding <sup>Rev. Stat.,
c. 351, s. 52,
amended.</sup> thereto the following subsection:

(2) Where the death took place outside of Ontario the certificate required by subsection 1 may be issued <sup>Where death
outside
Ontario.</sup> by a duly qualified coroner of the municipality in which the body is to be cremated.

Rev. Stat., c. 217, s. 7, repealed. **4.** Section 7 of *The Children of Unmarried Parents Act* is repealed.

Rev. Stat., c. 69, s. 5, cl. i, repealed. **5.**—(1) Clause *i* of section 5 of *The Department of Labour Act* is repealed.

Rev. Stat., c. 69, amended. (2) *The Department of Labour Act* is amended by adding thereto the following section:

Annual report. **5a.**—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling. (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Rev. Stat., c. 194, s. 1, cls. h, m, re-enacted. **6.**—(1) Clauses *h* and *m* of section 1 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

"Minister"; (h) "Minister" shall mean Minister of Labour;

"Regulations". (m) "Regulations" shall mean regulations made under this Act.

Rev. Stat., o. 194, s. 56, subs. 5, amended. (2) Subsection 5 of section 56 of *The Factory, Shop and Office Building Act*, as amended by section 14 of *The Factory, Shop and Office Building Amendment Act, 1944*, is further amended by striking out the words "of Labour" in the second line, so that the first two lines of the subsection shall read as follows:

Regulations as to inspectors. (5) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

Rev. Stat., c. 4, s. 11, re-enacted. **7.** Section 11 of *The Haliburton Act* is repealed and the following substituted therefor:

Appointment and salary of gaoler. **11.** The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees for the Provisional County of Haliburton, and fix their salaries which shall be paid by the Provisional County.

Rev. Stat., o. 89; 1947, o. 102, s. 3, repealed. **8.** *The King's Printer Act* and section 3 of *The Statute Law Amendment Act, 1947 (No. 2)* are repealed.

SECTION 4. The section is repealed to conform with the recent change in *The Children's Protection Act*, as set out in section 2 of Bill No. 111.

SECTION 5. Section 5a is added in order to bring the practice with respect to the annual report of the Department of Labour into line with the uniform practice adopted by the Department of the Provincial Secretary.

The repeal of clause *i* is complementary to the new section.

SECTION 6. Self-explanatory.

SECTION 7. The section at present makes provision for the appointment of a gaoler by the sheriff of the County of Victoria. This section is contrary to the principle under section 388 of *The Municipal Act* that all gaolers and gaol employees are appointed by the Lieutenant-Governor in Council. The section as re-enacted puts the Provisional County of Haliburton in the same position as the other counties in this respect.

SECTION 8. The Act provides for the appointment of the King's Printer and sets out his duties, matters that are now within the scope of *The Public Service Act, 1947*. It is therefore repealed.

SECTION 9. At present an investigator is a local authority only in unorganized territory. Under the amendment he will also be a local authority in all welfare units and municipalities in the province.

SECTION 10. See explanatory note for section 9.

SECTION 11—Subsection 1. Under the subsection as amended Ministers' appointments will be renewable.

9.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act, 1948* is repealed and the following substituted therefor: re-enacted.

(e) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint.

(2) Subsection 1 of section 7 of *The Mothers' Allowances Act, 1948* is amended by striking out the article “the” in the third line and where it occurs the second time in the fifth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority.

10.—(1) Clause *c* of section 1 of *The Old Age Pensions Act, 1948* is repealed and the following substituted therefor: re-enacted.

(c) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint.

(2) Subsection 1 of section 15 of *The Old Age Pensions Act, 1948* is amended by striking out the article “the” where it occurs the second time in the third line and in the sixth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority.

11.—(1) Subsection 2 of section 3 of *The Public Service Act, 1947* is amended by striking out the words “from the date thereof and shall not be renewable” in the fifth line, so that the subsection shall read as follows:

Temporary
appoint-
ments.

(2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year.

1947, c. 89,
s. 34 (1948,
c. 74, s. 7),
amended.

(2) Section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by adding thereto the following subsection:

Employee
becoming
teacher or
inspector.

1946, c. 96;
1949, c. 00.

(7a) Where a former employee is employed within the meaning of *The Teachers' and Inspectors' Superannuation Act, 1946* or *The Teachers' Superannuation Act, 1949* his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum, shall be transferred to The Teachers' Superannuation Fund.

1947, c. 89,
s. 36,
re-enacted.

(3) Section 36 of *The Public Service Act, 1947* is repealed and the following substituted therefor:

Arrange-
ment for
payment.—

out of Fund
into another
superannua-
tion fund;

36.—(1) Where an employee becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, with interest at such rate as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

into Fund
out of
another
superannua-
tion fund.

(2) Where a member of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature becomes an employee and a sum of money is paid into the Fund in respect of the period during which he was a civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant-Governor in Council, may allow him such credit under this Part in respect of the sum and the period of service represented thereby as may be determined.

Commence-
ment of
section.

(4) This section shall be deemed to have come into force on the 1st day of March, 1948.

1944, c. 54,
s. 3, subs. 2,
amended.

12.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944* is amended by striking out the words and figures

Subsection 2. Subsection 7 of section 34 of the Act provides for the transfer of service credits where a teacher or inspector becomes a civil servant. This amendment provides for the transfer of service credits where a civil servant becomes a teacher or inspector.

Subsection 3. Section 36 is re-enacted to bring it into line with recent amendments made to the *Civil Service Superannuation Act* (Canada) and to provide expressly for the transfer of service credits where provincial employees become municipal employees and *vice versa*.

SECTION 12. *The Labour Relations Board Act, 1944* was repealed by
The Labour Relations Act, 1948.

SECTION 13. The section repealed reads:

8. The King's Printer shall, before the opening of every session of the Assembly, make a report to the Lieutenant-Governor, which shall be laid before the Assembly within fifteen days after the opening of such session, showing the number of copies of the Acts of each session which have been printed and distributed by him since the last session, the departments, administrative bodies, officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the number of copies of the Acts of each session then remaining in his hands.

This report is deemed unnecessary in view of section 6 of the Act which provides that the statutes shall be printed, published and distributed by the King's Printer in such manner as may from time to time be prescribed by the Lieutenant-Governor in Council and approved by resolution of the Assembly.

SECTION 14. The clause is amended to make it clear that a trust company which has been substituted under *The Loan and Trust Corporations Act, 1949* as a sole trustee in place of more than one individual trustee may give a valid discharge to any retiring trustee.

SECTION 15. At present an individual carrying on business under a name or style other than his own name may be sued in such name or style. The amendment provides that he may sue as well as be sued in such name or style.

SECTION 16. This amendment makes it clear that the council must provide the amount estimated by the library board up to fifty cents per capita of population but any excess must be approved by a vote of the majority of council voting on the rate.

"*The Labour Relations Board Act, 1944*" in the third and fourth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(2) A trade union shall not be made a party to any ^{Trade} action in any court unless such trade union may be so ^{union,—party to} made a party irrespective of any of the provisions ^{action.} of this Act or of *The Labour Relations Act, 1948*.

(2) Subsection 3 of the said section 3 is amended by striking ^{1944, c. 54,} out the words and figures "The ^{s. 3, subs. 3,} *Labour Relations Board Act, amended.* 1944" in the fourth and fifth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(3) A collective bargaining agreement shall not be the ^{Collective} subject of any action in any court unless such ^{bargaining} collective bargaining agreement may be the subject of ^{agreement,} such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

13. Section 8 of *The Statutes Act* is repealed.

Rev. Stat.,
c. 2, s. 8,
repealed.

14. Clause *c* of section 6 of *The Trustee Act*, as amended by section 41 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words "at least two trustees" in the eighth line and inserting in lieu thereof the words "a trust company or at least two individuals as trustees", so that the clause shall read as follows:

Rev. Stat.,
c. 165, s. 6,
cl. *c*,
amended.

(c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be a trust company or at least two individuals as trustees to perform the trust; and

15. Subsection 1 of section 88 of *The Division Courts Act* is amended by inserting after the word "may" in the fourth line the words "sue and", so that the subsection shall read as follows:

Rev. Stat.,
c. 107, s. 88,
subs. 1,
amended.

(1) A person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in name.

16.—(1) Subsection 1 of section 39 of *The Public Libraries Act*, as re-enacted by section 3 of *The Public Libraries Amend-*

Rev. Stat.,
c. 283, s. 39,
subs. 1
(1949,
c. , s. 3),
re-enacted.

ment Act, 1949, is repealed and the following substituted therefor:

Annual rate.

(1) Where a public library is established for a city, town, village, township, police village, township school area or school section, the council of the city, town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, in addition to all other rates shall levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as herein-before provided, but no such rate shall be levied that will yield more than fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll except by a vote of a majority of the council or trustees present and voting thereon.

Commencement of section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

Short title.

17. This Act may be cited as *The Statute Law Amendment Act, 1949.*

The Statute Law Amendment Act, 1949.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

MR. BLACKWELL

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

5125

BILL

The Statute Law Amendment Act, 1949.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 172

1949

BILL

The Statute Law Amendment Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Active Service Life Insurance Protection Act, 1944* c. 3, repealed.

2. Clause *d* of section 7 of *The Anatomy Act* is repealed. Rev. Stat., c. 226, s. 7, cl. *d*, repealed.

3.—(1) *The Cemetery Act* is amended by adding thereto the following section: Rev. Stat., c. 351, amended.

36b.—(1) Where a local municipality has expropriated a cemetery under section 36a the municipality may, with the approval of the Minister of Health,— Power of municipality to convey cemetery.

(a) convey the cemetery to trustees elected in the manner provided by section 47 or to a company incorporated for the purpose of operating a cemetery upon such trusts as the council of the municipality may deem proper; and

(b) assign to such trustees or company any money or securities held by the municipality for the purpose of providing for perpetual care of graves, lots, gravestones or fences in the cemetery.

(2) Where a municipality has conveyed a cemetery to trustees under this section the provisions of section 47 of s. 47. shall apply *mutatis mutandis*.

(2) Section 52 of *The Cemetery Act* is amended by adding thereto the following subsection: Rev. Stat., c. 351, s. 52, amended.

(2) Where the death took place outside of Ontario the certificate required by subsection 1 may be issued by a duly qualified coroner of the municipality in which the body is to be cremated. Where death outside Ontario.

Rev. Stat.,
c. 217, s. 7,
repealed.

4. Section 7 of *The Children of Unmarried Parents Act* is repealed.

Rev. Stat.,
c. 69, s. 5,
cl. i,
repealed.

5.—(1) Clause *i* of section 5 of *The Department of Labour Act* is repealed.

Rev. Stat.,
c. 69,
amended.

(2) *The Department of Labour Act* is amended by adding thereto the following section:

Annual
report.

5a.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Rev. Stat.,
c. 194, s. 1,
cls. *h*, *m*,
re-enacted.

6.—(1) Clauses *h* and *m* of section 1 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

“Minister”;

(h) “Minister” shall mean Minister of Labour;

.

“Regulations”;

(m) “Regulations” shall mean regulations made under this Act.

Rev. Stat.,
c. 194, s. 56,
subs. 5,
amended.

(2) Subsection 5 of section 56 of *The Factory, Shop and Office Building Act*, as amended by section 14 of *The Factory, Shop and Office Building Amendment Act, 1944*, is further amended by striking out the words “of Labour” in the second line, so that the first two lines of the subsection shall read as follows:

Regulations
as to
inspectors.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

.

Rev. Stat.,
c. 4, s. 11,
re-enacted.

7. Section 11 of *The Haliburton Act* is repealed and the following substituted therefor:

Appointment
and
salary of
gaoler.

11. The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees for the Provisional County of Haliburton, and fix their salaries which shall be paid by the Provisional County.

Rev. Stat.,
c. 89; 1947,
c. 102, s. 3,
repealed.

8. *The King's Printer Act* and section 3 of *The Statute Law Amendment Act, 1947* (No. 2) are repealed.

9.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act, 1948*, c. 58, s. 1, cl. *e*, is repealed and the following substituted therefor: ^{re-enacted.}

(*e*) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. ^{“local authority”.}

(2) Subsection 1 of section 7 of *The Mothers' Allowances Act, 1948*, c. 58, s. 7, subs. 1, is amended by striking out the article “the” in the third line and where it occurs the second time in the fifth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. <sup>Local authority.—
appointment of.</sup>

10.—(1) Clause *c* of section 1 of *The Old Age Pensions Act, 1948*, c. 64, s. 1, cl. *c*, is repealed and the following substituted therefor: ^{re-enacted.}

(*c*) “local authority” means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. ^{“local authority.”}

(2) Subsection 1 of section 15 of *The Old Age Pensions Act, 1948*, c. 64, s. 15, subs. 1, is amended by striking out the article “the” where it occurs the second time in the third line and in the sixth line respectively and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. <sup>Local authority.—
appointment of.</sup>

11.—(1) Subsection 2 of section 3 of *The Public Service Act, 1947*, c. 89, s. 3, subs. 2, is amended by striking out the words “from the date thereof and shall not be renewable” in the fifth line, so that the subsection shall read as follows:

Temporary
appoint-
ments.

(2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year.

1947, c. 89,
s. 34 (1948,
c. 74, s. 7),
amended.

(2) Section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by adding thereto the following subsection:

Employee
becoming
teacher or
inspector.

1946, c. 96;
1949, c. 00.

(7a) Where a former employee is employed within the meaning of *The Teachers' and Inspectors' Superannuation Act, 1946* or *The Teachers' Superannuation Act, 1949* his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum, shall be transferred to The Teachers' Superannuation Fund.

1947, c. 89,
s. 36,
re-enacted.

(3) Section 36 of *The Public Service Act, 1947* is repealed and the following substituted therefor:

Arrange-
ment for
payment.—

out of Fund
into another
superannua-
tion fund;

36.—(1) Where an employee becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, with interest at such rate as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

into Fund
out of
another
superannua-
tion fund.

(2) Where a member of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature becomes an employee and a sum of money is paid into the Fund in respect of the period during which he was a civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant-Governor in Council, may allow him such credit under this Part in respect of the sum and the period of service represented thereby as may be determined.

Commence-
ment of
section.

(4) This section shall be deemed to have come into force on the 1st day of March, 1948.

1944, c. 54,
s. 3, subs. 2,
amended.

12.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944* is amended by striking out the words and figures

"*The Labour Relations Board Act, 1944*" in the third and fourth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(2) A trade union shall not be made a party to any ^{Trade}_{union.—} action in any court unless such trade union may be so ^{party to}_{action.} made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

(2) Subsection 3 of the said section 3 is amended by striking ^{1944, c. 54,}_{s. 3, subs. 3,} out the words and figures "*The Labour Relations Board Act, 1944*" in the fourth and fifth lines and inserting in lieu thereof the words and figures "*The Labour Relations Act, 1948*", so that the subsection shall read as follows:

(3) A collective bargaining agreement shall not be the ^{Collective}_{bargaining} subject of any action in any court unless such ^{agreement,—}_{subject of} collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

13. Section 8 of *The Statutes Act* is repealed.

^{Rev. Stat.,}
^{c. 2, s. 8,}
repealed.

14. Clause *c* of section 6 of *The Trustee Act*, as amended by ^{Rev. Stat.,}_{c. 165, s. 6,} section 41 of *The Statute Law Amendment Act, 1941*, is further ^{cl. c,}_{amended.} amended by striking out the words "at least two trustees" in the eighth line and inserting in lieu thereof the words "a trust company or at least two individuals as trustees", so that the clause shall read as follows:

(c) it shall not be obligatory to appoint more than one ^{Where not}_{less than} new trustee where only one trustee was originally ^{two individ-}_{als or a} appointed or to fill up the original number of ^{trust com-}_{pany to be} appointed trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be a trust company or at least two individuals as trustees to perform the trust; and

.

15. Subsection 1 of section 88 of *The Division Courts Act* ^{Rev. Stat.,}_{c. 107, s. 88,} is amended by inserting after the word "may" in the fourth ^{subs. 1,}_{amended.} line the words "sue and", so that the subsection shall read as follows:

(1) A person, whether or not a British subject, and ^{Persons}_{carrying on} business in ^{Ontario}_{under an-} whether residing in or out of Ontario, carrying on ^{business}_{under another} business within Ontario under a name or style ^{name.} other than his own name, may sue and be sued in such name or style.

Rev. Stat.,
c. 283, s. 39,
subs. 1
(1949,
c. , s. 3),
re-enacted.

16.—(1) Subsection 1 of section 39 of *The Public Libraries Act*, as re-enacted by section 3 of *The Public Libraries Amendment Act, 1949*, is repealed and the following substituted therefor:

Annual rate.

(1) Where a public library is established for a city, town, village, township, police village, township school area or school section, the council of the city, town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, in addition to all other rates shall levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but no such rate shall be levied that will yield more than fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll except by a vote of a majority of the council or trustees present and voting thereon.

Commencement of section.

(2) This section shall come into force on the day this Act receives the Royal Assent.

Short title.

17. This Act may be cited as *The Statute Law Amendment Act, 1949*.

The Statute Law Amendment Act, 1949.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to provide for the Establishment of the Alcoholism Research Foundation.

MR. KELLEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 173

1949

BILL

An Act to provide for the Establishment of the Alcoholism Research Foundation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) “alcoholic” means any person who suffers from “alcoholic”; alcoholism;
- (b) “alcoholism” means any diseased condition produced ^{“alcoholism”;} by the action of alcohol upon the human system;
- (c) “board” means the advisory medical board of the “board”; Foundation;
- (d) “Foundation” means the Alcoholism Research Foun-^{“Foundation”.} dation.

2. There shall be a body corporate to be known as the ^{Foundation established.} Alcoholism Research Foundation composed of not less than seven and not more than ten members appointed by the Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may designate one ^{Chairman.} Chairman of the members to be chairman of the Foundation.

4. Five members of the Foundation shall constitute a ^{Quorum.} quorum.

5. The Lieutenant-Governor in Council may fill any ^{Vacancies.} vacancy among the members of the Foundation.

6. The head office of the Foundation shall be at or near the ^{Head office.} City of Toronto.

Objects and powers.

7. The objects of the Foundation shall be and it shall have power,—

(a) to conduct a programme of research in alcoholism; and

(b) to establish and operate a hospital for experimentation in methods of treating alcoholics.

By-laws.

8. The Foundation may make such by-laws as may be deemed expedient for the constitution of the Foundation and the administration of its affairs and may do such other things as may be necessary or advisable to carry out its objects.

Power to acquire land and equipment.

9. The Foundation may acquire by purchase or lease any land and buildings and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as may be deemed necessary.

Exemption from taxation.

10. The real and personal property, business and income of the Foundation shall be exempt from all assessment and taxation, made, imposed or levied by or under the authority of any Act of this Legislature.

Advisory medical board.

11. There shall be an advisory medical board composed of such psychologists, duly qualified medical practitioners and other persons as the Foundation, with the approval of the Lieutenant-Governor in Council, may appoint.

Director, clerks, etc.

12.—(1) The Foundation may employ a director and such officers, clerks and servants as may be deemed expedient.

Experts.

(2) The Foundation may engage the services of such experts and other persons as may be deemed expedient.

Remuneration and expenses.

13. No member of the Foundation or of the board shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Foundation.

Funds of Foundation.

14. The funds of the Foundation shall consist of moneys received by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it may deem proper.

Grants in aid.

Rev. Stat., c. 390; 1948, c. 40.

15. Notwithstanding *The Public Hospitals Act* and *The Hospitals Aid Act, 1948*, the Lieutenant-Governor in Council may designate any hospital established under this Act as a hospital within the meaning of *The Public Hospitals Act* and a hospital so designated shall be eligible to receive grants under *The Hospitals Aid Act, 1948* in accordance with the regulations under that Act.

16. The accounts of the Foundation shall be audited ^{Audit.} annually by the Provincial Auditor or by such auditor as the Lieutenant-Governor in Council may designate, and the cost of the audit shall be paid out of the funds of the Foundation.

17.—(1) The Foundation shall make a report annually ^{Annual report.} to the Minister of Health and such report shall contain a financial statement certified by the auditor showing all moneys received and disbursed by the Foundation during the previous fiscal year.

(2) A copy of such report shall be filed with the Provincial ^{Tabling.} Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

18. Subject to the approval of the Lieutenant-Governor ^{Regulations.} in Council, the Foundation may make regulations,—

- (a) prescribing the powers and duties of the board, the director and other officers; and
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

19. This Act shall come into force on a day to be named by ^{Commencement of Act.} the Lieutenant-Governor by his Proclamation.

20. This Act may be cited as *The Alcoholism Research Foundation Act, 1949.* ^{Short title.}

An Act to provide for the Establishment of
the Alcoholism Research Foundation.

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. KELLEY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to provide for the Establishment of the Alcoholism Research Foundation.

MR. KELLEY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 173

1949

BILL

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1. In this Act,—

Interpre-
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9. The Foundation may acquire by purchase or lease any land and buildings and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as may be deemed necessary.

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- (a) prescribing the powers and duties of the board, the director and other officers; and
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

19. This Act shall come into force on a day to be named by ^{Commencement of Act.} the Lieutenant-Governor by his Proclamation.

20. This Act may be cited as *The Alcoholism Research Foundation Act, 1949.* ^{Short title.}

An Act to provide for the Establishment of
the Alcoholism Research Foundation.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. KELLEY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Crown Timber Act.

MR. SCOTT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. To prevent waste of timber which has been killed or damaged authorization is given to salvage such timber.

SECTION 2. Provides that measurement and return of pulpwood cut in bolts over eight feet in length shall be in units instead of cords.

No. 174

1949

BILL

An Act to amend The Crown Timber Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

•1. Section 2 of *The Crown Timber Act*, as amended by Rev. Stat., c. 36, s. 2, section 13 of *The Statute Law Amendment Act, 1946*, is further amended by adding thereto the following subsection:

(2) Where timber on the ungranted public lands and timber on patented lands where the timber on them remains the property of the Crown, has been killed or damaged and in the opinion of the Minister any other timber in such area ought to be cut for the purpose of economic forest utilization, the Minister may authorize the salvage of such timber to prevent waste at such rates and subject to such conditions, regulations and restrictions as the Minister may deem proper.

2. Section 2a of *The Crown Timber Act*, as enacted by Rev. Stat., c. 36, s. 2a, section 1 of *The Crown Timber Amendment Act, 1948*, is amended by adding thereto the following subsections:

(3) Where under any general or special Act, regulation, license, lease, agreement, permit or other document the right to cut pulpwood is claimed or exercised and provision is made for the measurement and return of pulpwood cut in bolts exceeding eight feet in length, such pulpwood shall be measured and returned in units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

(4) The Minister may allow bolts in lengths of eight feet to be measured and returned either as cords or as units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

Rev. Stat.,
c. 36, s. 3,
subs. 5,
amended.

3. Subsection 5 of section 3 of *The Crown Timber Act* is amended by striking out the words "and on the grantee under subsection 2 of section 5" in the second line, so that the subsection shall read as follows:

Rights of
locatees and
purchasers.

Rev. Stat.,
c. 33.

(5) The rights conferred on the licensee under this section shall be subject to the rights to which the locatee or purchaser of the land and those claiming under him, are entitled under *The Public Lands Act*.

Rev. Stat.,
c. 36, s. 3b
(1947,
c. 24, s. 1),
amended.

4. Section 3b of *The Crown Timber Act*, as enacted by section 1 of *The Crown Timber Amendment Act, 1947*, is amended by adding thereto the following subsection:

Cutting
rights
may be
extended.

(3) Where rights to cut timber are granted under subsection 1 the Minister may from time to time,—
 (a) determine the prices at which species of timber may be cut where the prices for such species are not specifically set out in the cutting authority; and
 (b) grant rights to cut additional species not set out in the cutting authority at such prices and upon such terms and conditions as he may deem proper.

Rev. Stat.,
c. 36, s. 22,
repealed.

5. Section 22 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 36, s. 25,
re-enacted.

6. Section 25 of *The Crown Timber Act* is repealed and the following substituted therefor:

Timber cut
without
authority
mixed with
other timber.

25. Where timber cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed, the whole of the timber so mixed shall be deemed to have been cut without authority on public lands, and until satisfactorily separated by the owner shall be liable to seizure and forfeiture accordingly.

Rev. Stat.,
c. 36,
amended.

7. *The Crown Timber Act* is amended by adding thereto the following sections:

Timber
may be
seized.

26a. The Minister may order timber which is cut on the ungranted public lands or on patented lands where the timber on them remains the property of the Crown to be seized by an employee of the Department where,—

SECTION 3. Subsection 2 of section 5 was repealed and the reference to such subsection is therefore deleted.

SECTION 4. The new subsection provides for the extension of cutting rights with regard to certain species which cannot at present be done.

SECTION 5. The repeal of section 22 is complementary to the new sections set out in section 7 of the Bill.

SECTION 6. The section is re-enacted to conform with the other amendments in the Bill.

SECTION 7. The new sections merely clarify the provisions respecting seizure and forfeiture.

SECTION 8. The subsections as re-enacted clarify the present provisions dealing with the same matters and bring them into line with the amendments in the Bill.

(a) a person is cutting under authority and owes any dues to the Crown in respect of such timber or land; or

(b) a person is cutting without authority.

26b. Where timber or its manufactured product is seized and no claim is made within thirty days from the date of seizure the timber or its manufactured product shall be forfeited to and shall become the property of the Crown and may be disposed of in such manner as the Minister may direct and the proceeds of such disposal shall be dealt with in such manner as the Minister may determine. *Timber forfeited.*

8.—(1) Subsections 1 and 2 of section 28 of *The Crown Timber Act* are repealed. *Rev. Stat., c. 36, s. 28, subss. 1, 2, repealed.*

(2) Subsections 6 and 7 of the said section 28 are repealed and the following substituted therefor: *Rev. Stat., c. 36, s. 28, subss. 6, 7, re-enacted.*

(6) If the timber is declared to be forfeited to the Crown under subsection 5 it shall again be delivered up to the Minister or to an officer or agent of the Department and may be disposed of in such manner as the Minister may direct and the proceeds from such disposal shall be dealt with in such manner as the Minister may determine. *When seizure upheld.*

(7) Where timber is seized for non-payment of dues owing to the Crown such timber may be surrendered to the alleged owner or claimant upon payment to the Minister of all unpaid dues with interest thereon and costs and expenses incurred by the Minister. *Timber may be surrendered to owner.*

9. This Act shall come into force on the 1st day of April, 1949. *Commencement of Act.*

10. This Act may be cited as *The Crown Timber Amendment Act, 1949.* *Short title.*

An Act to amend The Crown Timber Act.

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. SCOTT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Crown Timber Act.

MR. SCOTT

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 174

1949

BILL

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Crown Timber Act*, as amended by Rev. Stat., c. 36, s. 2, section 13 of *The Statute Law Amendment Act, 1946*, is further amended by adding thereto the following subsection:

(2) Where timber on the ungranted public lands and timber on patented lands where the timber on them remains the property of the Crown, has been killed or damaged and in the opinion of the Minister any other timber in such area ought to be cut for the purpose of economic forest utilization, the Minister may authorize the salvage of such timber to prevent waste at such rates and subject to such conditions, regulations and restrictions as the Minister may deem proper.

2. Section 2a of *The Crown Timber Act*, as enacted by Rev. Stat., c. 36, s. 2a, section 1 of *The Crown Timber Amendment Act, 1948*, is (1948, o. 21, s. 1), amended by adding thereto the following subsections:

(3) Where under any general or special Act, regulation, license, lease, agreement, permit or other document the right to cut pulpwood is claimed or exercised and provision is made for the measurement and return of pulpwood cut in bolts exceeding eight feet in length, such pulpwood shall be measured and returned in units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

(4) The Minister may allow bolts in lengths of eight feet to be measured and returned either as cords or as units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

Rev. Stat.,
c. 36, s. 3,
subs. 5,
amended.

3. Subsection 5 of section 3 of *The Crown Timber Act* is amended by striking out the words "and on the grantee under subsection 2 of section 5" in the second line, so that the subsection shall read as follows:

Rights of
locatees and
purchasers.

Rev. Stat.,
c. 33.

Rev. Stat.,
c. 36, s. 3b
(1947,
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amended.

Cutting
rights
may be
extended.

(5) The rights conferred on the licensee under this section shall be subject to the rights to which the locatee or purchaser of the land and those claiming under him, are entitled under *The Public Lands Act*.

4. Section 3b of *The Crown Timber Act*, as enacted by section 1 of *The Crown Timber Amendment Act, 1947*, is amended by adding thereto the following subsection:

(3) Where rights to cut timber are granted under subsection 1 the Minister may from time to time,—

(a) determine the prices at which species of timber may be cut where the prices for such species are not specifically set out in the cutting authority; and

(b) grant rights to cut additional species not set out in the cutting authority at such prices and upon such terms and conditions as he may deem proper.

Rev. Stat.,
c. 36, s. 22,
repealed.

5. Section 22 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 36, s. 25,
re-enacted.

6. Section 25 of *The Crown Timber Act* is repealed and the following substituted therefor:

Timber cut
without
authority
mixed with
other timber.

25. Where timber cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed, the whole of the timber so mixed shall be deemed to have been cut without authority on public lands, and until satisfactorily separated by the owner shall be liable to seizure and forfeiture accordingly.

Rev. Stat.,
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7. *The Crown Timber Act* is amended by adding thereto the following sections:

Timber
may be
seized.

26a. The Minister may order timber which is cut on the ungranted public lands or on patented lands where the timber on them remains the property of the Crown to be seized by an employee of the Department where,—

- (a) a person is cutting under authority and owes any dues to the Crown in respect of such timber or land; or
 - (b) a person is cutting without authority.
- 26b.** Where timber or its manufactured product is seized and no claim is made within thirty days from the date of seizure the timber or its manufactured product shall be forfeited to and shall become the property of the Crown and may be disposed of in such manner as the Minister may direct and the proceeds of such disposal shall be dealt with in such manner as the Minister may determine.

8.—(1) Subsections 1 and 2 of section 28 of *The Crown Timber Act* are repealed.

Rev. Stat.,
c. 36, s. 28,
subss. 1, 2,
repealed.

(2) Subsections 6 and 7 of the said section 28 are repealed and the following substituted therefor:

Rev. Stat.,
c. 36, s. 28,
subss. 6, 7,
re-enacted.

- (6) If the timber is declared to be forfeited to the Crown under subsection 5 it shall again be delivered up to the Minister or to an officer or agent of the Department and may be disposed of in such manner as the Minister may direct and the proceeds from such disposal shall be dealt with in such manner as the Minister may determine.
- (7) Where timber is seized for non-payment of dues owing to the Crown such timber may be surrendered to the alleged owner or claimant upon payment to the Minister of all unpaid dues with interest thereon and costs and expenses incurred by the Minister.

9. This Act shall come into force on the 1st day of April, 1949.

Commencement of Act.

10. This Act may be cited as *The Crown Timber Amendment Act, 1949.*

Short title

An Act to amend The Crown Timber Act.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. SCOTT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. These amendments and new definitions are designed to clarify the meaning of "vehicle" primarily so that farm tractors and road-building machines will be subject to the provisions of the Act respecting "vehicles" (for example, the rules of the road and certain lighting requirements) but will not be subject to the provisions respecting motor vehicles.

No. 175

1949

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, as amended by section 1 of *The Highway Traffic Amendment Act, 1942*, section 1 of *The Highway Traffic Amendment Act, 1947* and section 1 of *The Highway Traffic Amendment Act, 1948*, is further amended by re-lettering the present clause *cc* as clause *ccc* and by adding thereto the following clauses:

(*cc*) “Farm tractor” shall mean a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load;

(*nnn*) “Road-building machine” shall mean a self-propelled vehicle designed and used primarily in connection with the building or maintaining of highways and not designed or used for carrying a load.

(2) Clause *i* of subsection 1 of the said section 1 is amended by inserting after the word “engine” in the sixth line the words “farm tractor or road-building machine”, so that the clause shall read as follows:

(*i*) “Motor vehicle” shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor or road-building machine within the meaning of this Act.

Rev. Stat., c. 288, s. 1, subs. 1, cl. r, amended. (3) Clause *r* of subsection 1 of the said section 1 is amended by inserting after the word "engine" in the second line the words "farm tractor, road-building machine", so that the clause shall read as follows:

"Vehicle".

(r) "Vehicle" shall include motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails.

Rev. Stat., c. 288, s. 10, subs. 4, amended. **2.**—(1) Subsection 4 of section 10 of *The Highway Traffic Act*, as amended by subsection 1 of section 2 of *The Highway Traffic Amendment Act, 1939*, is further amended by striking out all the words after the word "power" in the second line, so that the subsection shall read as follows:

Strength of front lamps.

(4) No motor vehicle shall carry on the front thereof more than four lighted lamps of over four candle power.

Rev. Stat., c. 288, s. 10, subs. 5a (1939, c. 20, s. 2, subs. 2), amended. (2) Subsection 5a of the said section 10, as enacted by subsection 2 of section 2 of *The Highway Traffic Amendment Act, 1939* and amended by section 2 of *The Highway Traffic Amendment Act, 1940*, is further amended by inserting after the word "green" in the fifth line the words "but in the case of a public vehicle amber", so that the subsection shall read as follows:

Identification lamps.

(5a) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of vehicles as the permanent structure of the vehicle permits and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

Rev. Stat., c. 288, s. 10, subs. 12, amended. (3) Subsection 12 of the said section 10 is amended by inserting after the word "vehicle" in the first line the words "other than a commercial motor vehicle", so that the subsection shall read as follows:

SECTION 2—Subsections 1 and 2. These amendments will enable intending passengers of public vehicles to distinguish an approaching public vehicle from the ordinary large truck or truck and trailer.

Subsection 3. The effect of this amendment is to require commercial motor vehicles to display both front and rear lamps when parked at night.

Subsection 4. The change effected by the re-enactment of the subsection is to limit the use of spotlamps to one, to remove the former requirement that spotlamps be not higher than the head lamps, and to extend the distance ahead of the vehicle that the beam may be directed from 75 to 100 feet.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

(12) A motor vehicle, other than a commercial motor vehicle, while standing upon any highway at such times as lights are required by the provisions of this section for such vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least two hundred feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion.

(4) Subsection 16 of the said section 10, as amended by Rev. Stat., c. 288, s. 10, subsection 2 of section 1 of *The Highway Traffic Amendment Act, 1941*, is repealed and the following substituted therefor:

(16) No motor vehicle shall be equipped with more than spotlamps. one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than one hundred feet ahead, of the vehicle to which it is attached.

3. Section 10a of *The Highway Traffic Act*, as enacted by Rev. Stat., c. 288, s. 10a, section 2 of *The Highway Traffic Amendment Act, 1946*, is (1946, c. 39, s. 2), amended by inserting after the word "shall" in the second line the words "unless it is equipped with a mechanical or electrical signal device which has been approved by the Department", so that the section shall read as follows:

10a. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device which has been approved by the Department, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

"RIGHT HAND DRIVE VEHICLE".

4.—(1) Section 12 of *The Highway Traffic Act* is amended Rev. Stat., c. 288, s. 12, by adding thereto the following subsection: amended.

(1a) Every motor vehicle and every trailer shall be mudguards. equipped with mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

**Rev. Stat.,
c. 288, s. 12,
subs. 2,
amended.** (2) Subsection 2 of the said section 12 is amended by inserting after the figure "1" in the second line the word, figure and letter "or 1a", so that the subsection shall read as follows:

Penalty. (2) Any person who violates any of the provisions of subsection 1 or 1a shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days.

**Rev. Stat.,
c. 288, s. 17,
subs. 3,
re-enacted.** 5. Subsection 3 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Trailers. (3) No trailer or other object or device shall be drawn by a motor vehicle on a highway unless such trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.

**Rev. Stat.,
c. 288, s. 38,
subs. 1,
amended.** 6. Subsection 1 of section 38 of *The Highway Traffic Act* is amended by striking out the word "body" in the third line and inserting in lieu thereof the word "vehicle", so that the subsection shall read as follows:

**Name, etc.,
of owner to
be displayed
on vehicle.** (1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name and address of the owner, provided that the Department may by regulation designate any vehicle or classes of vehicles to which the provisions of this subsection shall not apply.

**Rev. Stat.,
c. 288, s. 49,
subs. 1, 2,
amended.** 7.—(1) Subsections 1 and 2 of section 49 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1943*, are amended by adding at the end thereof the words "or farm tractor on a highway", so that the subsections shall read as follows:

**Drivers
under 15
prohibited.** (1) No person under the age of fifteen years shall drive or operate a motor vehicle or farm tractor on a highway.

SECTION 5. The subsection is extended to include "other objects or devices" in addition to trailers.

SECTION 6. Many commercial motor vehicles are not equipped with bodies and in such cases the signs are displayed on the door of the cab of the vehicle.

SECTION 7. Self-explanatory.

SECTION 8. This amendment provides for impounding the motor vehicle where the vehicle, although owned by the person convicted or his relative, has not been registered in the name of the person or his relative.

SECTION 9. The purpose and effect of this provision may best be explained by an example: "A" 's car is damaged to the extent of \$1,000 in a collision with "C" 's car. "A" has a policy of collision insurance with insurer "B", the policy containing a \$100 deductible clause. Insurer "B" pays "A" \$900 under the policy and is thereby subrogated to "A" 's rights of recovery to that extent. An action to recover \$1,000 is brought in "A" 's name against "C" and judgment is obtained for the full amount of the claim and the costs of the action but payment thereof cannot be obtained from "C". "B", being an insurer cannot apply for payment out of the Fund of the \$900 portion of the judgment. "A" applies for payment out of the \$100 portion of the judgment to which he is entitled. The practice of the court is to order payment out of the Fund of the \$100 portion of the judgment and all the costs of the action taxed on a party and party basis. The amendment permits only a proportionate part of the party and party costs to be paid out of the Fund.

(2) No person shall employ or permit anyone under the age of fifteen years to drive or operate a motor vehicle or farm tractor on a highway.

(2) The said section 49 is further amended by adding thereto the following subsection:

(2a) Subsections 1 and 2 shall not apply in respect of the driving or operating of a farm tractor directly across a highway.

8. Subsection 1 of section 56 of *The Highway Traffic Act*, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938* and amended by section 10 of *The Highway Traffic Amendment Act, 1939*, is further amended by inserting after the word "time" in the thirteenth line the words "owned by or" and by inserting after the word "or" where it occurs the first time in the fourteenth line the words "owned by or registered", so that the subsection shall read as follows:

(1) In the event of,—

Impounding
motor
vehicle.

(a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or

(b) a second conviction under section 45; or

(c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

9. Section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by adding thereto the following subsection:

(7) Where, by reason of an action having been maintained in part by an insurer, an order made under this section directs payment out of the Fund of only part of the amount of the judgment obtained

in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment directed to be paid out of the Fund bears to the total amount of the judgment.

Rev. Stat., c. 288, s. 93bb **10.** Section 93bb of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1948*, s. 6, amended, is amended by adding thereto the following subsection:

Re-opening pleadings.

- (3) Where pleadings have been noted closed, the Minister may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf of and in the name of the defendant, re-open the pleadings upon *praecipe*.

Rev. Stat., c. 288, s. 93c **11.** Section 93c of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, s. 16, subs. 1, amended, is amended by adding thereto the following subsections:

Lodging with court.

- (2) Upon lodging a copy of the assignment of judgment, certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

Lodging with sheriff.

- (3) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment certified as prescribed in subsection 2 is lodged with the sheriff having the writ of execution, the provisions of subsection 2 shall apply *mutatis mutandis*.

Rev. Stat., c. 288, s. 93e **12.**—(1) Subsection 1 of section 93e of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, s. 16, subs. 1, amended, is amended by inserting after the word "or" in the first line and where it occurs the second time in the sixth line respectively the word "personal", so that the subsection, exclusive of the clauses, shall read as follows:

Where identity of vehicle cannot be established.

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury

SECTION 10. By section 93bb of *The Highway Traffic Act*, where an action arising out of a motor vehicle accident is undefended and the plaintiff desires to preserve his right to apply for payment of the amount of his judgment out of the Unsatisfied Judgment Fund in case it cannot be collected from the judgment debtor, the Minister of Highways must be afforded an opportunity of defending the action. If pleadings have been noted closed the Minister must formally move to re-open the pleadings before he may file a Statement of Defence. Such motions in these circumstances are a mere formality and the order is invariably made as a matter of course. The amendment avoids the necessity for a formal motion.

SECTION 11. Where a judgment is assigned the practice of the courts requires the assignee of the judgment to make formal application to the court to be made a party to the action before he may use the machinery available to a judgment creditor for enforcing his judgment. Since all assignments to the Minister under Part XIII A of *The Highway Traffic Act* are made pursuant to the mandatory provisions of section 93c and only after an order has been made by a judge of the Supreme Court directing payment out of the Unsatisfied Judgment Fund the necessity for such a precaution is not present in the case of those assignments. Accordingly this amendment dispenses with the necessity for the usual formal application.

SECTION 12. Two amendments are effected.

1. The word "personal" is inserted before "injury" throughout the section. This does not effect a change in the law as it has been understood and administered but is for better clarity.

2. Before an action may be brought against the Registrar of Motor Vehicles in respect of a hit-and-run accident it must be shown that all reasonable efforts have been made with regard to identifying the motor vehicle and the owner and driver thereof and that they have not been identified. On that phraseology a judge may give leave to bring action if there is any doubt as to identity. The scheme of the provisions relating to this type of action is such that action may not be brought against the Registrar until it is established that identification cannot be made and this amendment effects that purpose by changing the phrase "have not been" to read "cannot be" in clause c of subsection 2 of section 93e.

may, upon notice to the Registrar, apply by way of originating notice,—

(2) Subsection 2 of the said section 93e, as amended by Rev. Stat., subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word c. 288, s. 93e, subs. 2 (1947), "or" in the third line of clause *a* the word "personal" and by c. 45, s. 16, subs. 1, striking out the words "have not been" in the second line of clause *c* and inserting in lieu thereof the words "cannot be", so that the subsection shall read as follows:

(2) Where the judge is satisfied that,—

- (a) the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;
- (b) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;
- (c) the identity of the motor vehicle and the owner and driver thereof cannot be established; and
- (d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*,

Order for
action
against
Registrar.

Rev. Stat.,
o. 256.

he may make an order permitting the applicant to bring an action against the Registrar.

(3) Subsection 3 of the said section 93e, as enacted by Rev. Stat., subsection 2 of section 7 of *The Highway Traffic Amendment Act, 1948*, is amended by inserting after the word "or" in c. 288, s. 93e, subs. 3 (1947), the first line the word "personal", so that the subsection shall c. 39, s. 7, subs. 2, be amended, read as follows:

Where
owner
known.

- (3) Where the death or personal injury is occasioned at a time when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Rev. Stat.,
c. 288, s. 93f
(1947, c. 45,
s. 16,
subs. 1),
amended.

13. Section 93f of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

General
denial.

- (2) The Registrar may deny generally the allegations contained in the statement of claim and shall not be required to set forth the facts upon which he relies.

Rev. Stat.,
c. 288,
amended.

14. *The Highway Traffic Act* is amended by adding thereto the following section:

What judg-
ment not to
include.

93fff. A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death.

Commence-
ment of Act.

15.—(1) This Act, except section 4, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 4 shall come into force on the 1st day of January, 1950.

Short title.

16. This Act may be cited as *The Highway Traffic Amendment Act, 1949*.

SECTION 13. Under the Rules of Practice a defendant is required to set forth the facts upon which he relies. In actions arising out of "hit-and-run" accidents in which the Registrar of Motor Vehicles is the defendant, the Registrar is seldom in a position to set out the facts upon which he relies. This amendment is made accordingly.

SECTION 14. The effect of the proposed provision is that where a plaintiff in an action against the Registrar of Motor Vehicles is entitled to be paid the amount of his hospital and medical expenses under a policy of insurance or like scheme, he may not recover a like amount out of the Fund under his judgment.

Under the general law such amounts may be included in a judgment but where judgment has been obtained against a named defendant and application is made for payment of the amount of the judgment out of the Unsatisfied Judgment Fund under section 93b, subclause iv of clause d of subsection 4 of section 93b protects the Fund against duplication of payment. This amendment effects a like result where payment out is made under the provisions governing actions against the Registrar of Motor Vehicles (sections 93e to 93g).

An Act to amend
The Highway Traffic Act.

1st Reading

March 25th, 1949

2nd Reading

3rd Reading

MR. DOUCETT

No. 175

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

TORONTO

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No. 175

1949

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, as amended by section 1 of *The Highway Traffic Amendment Act, 1942*, section 1 of *The Highway Traffic Amendment Act, 1947* and section 1 of *The Highway Traffic Amendment Act, 1948*, is further amended by re-lettering the present clause *cc* as clause *ccc* and by adding thereto the following clauses:

(*cc*) “Farm tractor” shall mean a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load;

• • • • •

(*nnn*) “Road-building machine” shall mean a self-propelled vehicle designed and used primarily in connection with the building or maintaining of highways and not designed or used for carrying a load.

(2) Clause *i* of subsection 1 of the said section 1 is amended by inserting after the word “engine” in the sixth line the words “farm tractor or road-building machine”, so that the clause shall read as follows:

(*i*) “Motor vehicle” shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor or road-building machine within the meaning of this Act.

Rev. Stat., (3) Clause 7 of subsection 1 of the said section 1 is amended
c. 288, s. 1, subs. 1, cl. 7, by inserting after the word "engine" in the second line the
amended. words "farm tractor, road-building machine", so that the
clause shall read as follows:

"Vehicle". (r) "Vehicle" shall include motor vehicle, trailer, traction
engine, farm tractor, road-building machine and any
vehicle drawn, propelled, or driven by any kind of
power, including muscular power, but not including
the cars of electric or steam railways running only
upon rails.

Rev. Stat., 2.—(1) Subsection 4 of section 10 of *The Highway Traffic
Act*, as amended by subsection 1 of section 2 of *The Highway
Traffic Amendment Act, 1939*, is further amended by striking
c. 288, s. 10, out all the words after the word "power" in the second line,
subs. 4, amended. so that the subsection shall read as follows:

Strength of (4) No motor vehicle shall carry on the front thereof
front lamps. more than four lighted lamps of over four candle
power.

Rev. Stat., (2) Subsection 5a of the said section 10, as enacted by
c. 288, s. 10, subsection 2 of section 2 of *The Highway Traffic Amendment
(1939, c. 20,
subs. 5a
s. 2, subs. 2)*, *Act, 1939* and amended by section 2 of *The Highway Traffic
Amendment Act, 1940*, is further amended by inserting after
amended. the word "green" in the fifth line the words "but in the case
of a public vehicle amber", so that the subsection shall read
as follows:

Identification (5a) Whenever on a highway outside a city, town or
lamps. village after dusk and before dawn every motor
vehicle or combination of vehicles having a length
in excess of thirty feet or a width in excess of
eighty inches shall carry three lamps displaying
green, but in the case of a public vehicle amber,
lights at the front and three lamps displaying red
lights at the rear and the lights of each colour shall
be evenly placed not less than six nor more than
twelve inches apart along a horizontal line as near
the top of the vehicle or combination of vehicles as
the permanent structure of the vehicle permits and
shall be visible for distances of five hundred feet
from the front and rear respectively of the vehicle
or combination of vehicles.

Rev. Stat., (3) Subsection 12 of the said section 10 is amended by
c. 288, s. 10, inserting after the word "vehicle" in the first line the words
subs. 12, amended. "other than a commercial motor vehicle", so that the sub-
section shall read as follows:

- (12) A motor vehicle, other than a commercial motor vehicle, while standing upon any highway at such times as lights are required by the provisions of this section for such vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least two hundred feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion.
- (4) Subsection 16 of the said section 10, as amended by Rev. Stat., c. 288, s. 10, subsection 2 of section 1 of *The Highway Traffic Amendment Act, 1941*, is repealed and the following substituted therefor:
- (16) No motor vehicle shall be equipped with more than spotlamps.
3. Section 10a of *The Highway Traffic Act*, as enacted by Rev. Stat., c. 288, s. 10a, section 2 of *The Highway Traffic Amendment Act, 1946*, is (1946, c. 39, s. 2), amended by inserting after the word "shall" in the second amended. line the words "unless it is equipped with a mechanical or electrical signal device which has been approved by the Department", so that the section shall read as follows:
- 10a. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device which has been approved by the Department, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—
- "RIGHT HAND DRIVE VEHICLE".
- 4.—(1) Section 12 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

- (1a) Every motor vehicle and every trailer shall be equipped with mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

Rev. Stat.,
c. 288, s. 12,
subs. 2,
amended.

(2) Subsection 2 of the said section 12 is amended by inserting after the figure "1" in the second line the word, figure and letter "or 1a", so that the subsection shall read as follows:

Penalty.

(2) Any person who violates any of the provisions of subsection 1 or 1a shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days.

Rev. Stat.,
c. 288, s. 17,
subs. 3,
re-enacted.

5. Subsection 3 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Trailers.

(3) No trailer or other object or device shall be drawn by a motor vehicle on a highway unless such trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.

Rev. Stat.,
c. 288, s. 38,
subs. 1,
amended.

6. Subsection 1 of section 38 of *The Highway Traffic Act* is amended by striking out the word "body" in the third line and inserting in lieu thereof the word "vehicle", so that the subsection shall read as follows:

Name, etc.,
of owner to
be displayed
on vehicle.

(1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name and address of the owner, provided that the Department may by regulation designate any vehicle or classes of vehicles to which the provisions of this subsection shall not apply.

Rev. Stat.,
c. 288, s. 49,
subs. 1, 2,
amended.

7.—(1) Subsections 1 and 2 of section 49 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1943*, are amended by adding at the end thereof the words "or farm tractor on a highway", so that the subsections shall read as follows:

Drivers
under 15
prohibited.

(1) No person under the age of fifteen years shall drive or operate a motor vehicle or farm tractor on a highway.

(2) No person shall employ or permit anyone under the age of fifteen years to drive or operate a motor vehicle or farm tractor on a highway.

(2) The said section 49 is further amended by adding thereto the following subsection:

(2a) Subsections 1 and 2 shall not apply in respect of the driving or operating of a farm tractor directly across a highway.

8. Subsection 1 of section 56 of *The Highway Traffic Act*, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938* and amended by section 10 of *The Highway Traffic Amendment Act, 1939*, is further amended by inserting after the word "time" in the thirteenth line the words "owned by or" and by inserting after the word "or" where it occurs the first time in the fourteenth line the words "owned by or registered", so that the subsection shall read as follows:

(1) In the event of,—

Impounding
motor
vehicle.

- (a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or
- (b) a second conviction under section 45; or
- (c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

9. Section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by adding thereto the following subsection:

- (7) Where, by reason of an action having been maintained in part by an insurer, an order made under this section directs payment out of the Fund of only part of the amount of the judgment obtained

in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment directed to be paid out of the Fund bears to the total amount of the judgment.

Rev. Stat., c. 288, s. 93bb **10.** Section 93bb of *The Highway Traffic Act*, as enacted (1948, c. 39), by section 6 of *The Highway Traffic Amendment Act, 1948, s. 6*, amended. is amended by adding thereto the following subsection:

Re-opening pleadings.

- (3) Where pleadings have been noted closed, the Minister may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf of and in the name of the defendant, re-open the pleadings upon *praecipe*.

Rev. Stat., c. 288, s. 93c **11.** Section 93c of *The Highway Traffic Act*, as enacted by (1947, c. 45, subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, s. 16, subs. 1), is amended by adding thereto the following subsections:

Lodging with court.

- (2) Upon lodging a copy of the assignment of judgment, certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

Lodging with sheriff.

- (3) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment certified as prescribed in subsection 2 is lodged with the sheriff having the writ of execution, the provisions of subsection 2 shall apply *mutatis mutandis*.

Rev. Stat., c. 288, s. 93e, **12.**—(1) Subsection 1 of section 93e of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by inserting after the word "or" in the first line and where it occurs the second time in the sixth line respectively the word "personal", so that the subsection, exclusive of the clauses, shall read as follows:

Where identity of vehicle cannot be established.

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury

may, upon notice to the Registrar, apply by way of originating notice,—

(2) Subsection 2 of the said section 93e, as amended by Rev. Stat., subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word "or" in the third line of clause *a* the word "personal" and by striking out the words "have not been" in the second line of clause *c* and inserting in lieu thereof the words "cannot be", so that the subsection shall read as follows:

(2) Where the judge is satisfied that,—

Order for action against Registrar.

- (a) the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;
- (b) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;
- (c) the identity of the motor vehicle and the owner and driver thereof cannot be established; and
- (d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*,

he may make an order permitting the applicant to bring an action against the Registrar.

(3) Subsection 3 of the said section 93e, as enacted by Rev. Stat., subsection 2 of section 7 of *The Highway Traffic Amendment Act, 1948*, is amended by inserting after the word "or" in the first line the word "personal", so that the subsection shall read as follows:

Where
owner
known.

- (3) Where the death or personal injury is occasioned at a time when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Rev. Stat., c. 288, s. 93f, (1947, c. 45, s. 16, subs. 1), amended. **13.** Section 93f of *The Highway Traffic Act*, as enacted by the following subsection:

General
denial.

- (2) The Registrar may deny generally the allegations contained in the statement of claim and shall not be required to set forth the facts upon which he relies.

Rev. Stat., c. 288, amended. **14.** *The Highway Traffic Act* is amended by adding thereto the following section:

What judg-
ment not to
include.

93fff. A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death.

Commencement
of Act.

15.—(1) This Act, except section 4, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 4 shall come into force on the 1st day of January, 1950.

Short title.

16. This Act may be cited as *The Highway Traffic Amendment Act, 1949.*

An Act to amend
The Highway Traffic Act.

1st Reading

March 25th, 1949

2nd Reading

March 29th, 1949

3rd Reading

April 1st, 1949

MR. DOUCETT

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT (Peterborough)

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. This definition is tied in with the licensing provisions of the Act. A special licence for rabbit will not be necessary as is the case at present. However, a licence under subsection 1 of section 10 of the Act will be required. See subsection 1 of section 3 of this Bill.

Subsection 2. Self-explanatory.

SECTION 2. This new provision is self-explanatory. A similar section appears as section 128 of *The Liquor Control Act*.

SECTION 3—Subsection 1. At present a person may hunt without a licence such animals as porcupine, woodchuck, and wolf and the birds that are not protected under section 35. Hereafter the same principle will apply to rabbits.

No. 176

1949

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word “rabbit” in the second line, so that the clause shall read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, lynx, marten, mink, musk-rat, otter, racoon, skunk, red squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.

(2) Clause *ww* of the said section 1, as enacted by subsection 1 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is amended by inserting after the word “deadfall” in the first line the word “snare”, so that the clause shall read as follows:

(*ww*) “trap” shall mean any spring trap, gin, deadfall, snare, box or net used to capture game, and “trapping” shall have a corresponding meaning.

2. Section 7 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subsection:

(10) Any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night.

3.—(1) Subsection 1 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the word “game” in the third line and inserting in lieu thereof the words “animal or bird”, so that the subsection shall read as follows:

Fire-arms.

- (1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any animal or bird.

1946, c. 33,
s. 10, subs. 3,
re-enacted.

- (2) Subsection 3 of the said section 10, as amended by subsection 3 of section 6 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor:

Power of
fire-arms.

- (3) The holder of a licence issued under subsection 1 shall not,—

(a) carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle"; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

1946, c. 33,
s. 11, subs. 2,
repealed.

- 4.** Subsection 2 of section 11 of *The Game and Fisheries Act, 1946* is repealed.

1946,
c. 33, s. 14,
re-enacted.

- 5.** Section 14 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Dealing in
musk-rat,
etc.

- 14.** Notwithstanding anything in this Act any person may under a licence sell the meat of any musk-rat, beaver, raccoon or bear where taken lawfully and any person may without a licence possess or buy any such meat for his own use.

1946, c. 33,
s. 16, subs. 3,
amended.

- 6.** Subsection 3 of section 16 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words "or as a pet", so that the subsection shall read as follows:

Game for
educational
purposes,
etc.

- (3) The Deputy Minister may issue a licence to any person to possess live game for scientific and educational purposes or as a pet.

1946,
c. 33, s. 20,
subs. 4,
repealed.

- 7.** Subsection 4 of section 20 of *The Game and Fisheries Act, 1946* is repealed.

1946, c. 33,
s. 23, cl. c,
amended.

- 8.** Clause *c* of section 23 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subclause:

Subsection 2. Clause *b* is new. It is designed to assist in controlling the unauthorized shooting of deer in the open season.

SECTION 4. The subsection is obsolete as there is no longer any royalty on bear.

SECTION 5. The provision is brought into line with practice so as to avoid numerous technical breaches of the Act which now occur.

SECTION 6. Self-explanatory.

SECTION 7. This provision, which requires guides to be engaged in certain circumstances by non-resident anglers, will hereafter be dealt with in the regulations. See section 21 of this Bill.

SECTION 8. This subclause is added to the "non-resident" clause. It will extend the season for hunting wolves by non-residents.

SECTION 9. At the present time open seasons are fixed in the Act but may be varied by regulation. Hereafter the entire matter will be dealt with by regulation.

SECTION 10—Subsection 1. The prohibition is strengthened by the addition of the word "trap".

Subsection 2. See note to subsection 1.

SECTION 11—Subsection 1. Bruce and Oxford Counties are added at the request of their councils.

(v) to hunt wolves from the 1st day of March to
 the 15th day of June..... 5.00
 and an issuing fee of25

9. Section 26 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor: ^{1946, c. 33, s. 26, re-enacted.}

26. No person shall hunt, kill or destroy, or attempt to ^{Open seasons.} hunt, kill or destroy any caribou, deer, moose or wapiti (elk) except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe.

10.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, as amended by subsection 1 of section 9 of ^{1946, c. 33, s. 27, subs. 1, amended.} *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word "time" in the first line and after the word "to" in the amendment of 1948 respectively the word "trap", so that the subsection shall read as follows:

(1) No person shall at any time trap, hunt, take or kill ^{Beaver.} or attempt to trap, hunt, take or kill any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department.

(2) Subsection 2 of the said section 27, as amended by subsection 2 of section 9 of ^{1946, c. 33, s. 27, subs. 2, amended.} *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word "shall" in the first line the word "trap", so that the subsection, exclusive of the clauses, shall read as follows:

(2) No person shall trap, hunt, take or kill, or possess ^{Trapping, hunting, etc.} the carcass, pelt or any part of,—

11.—(1) Clause *e* of section 29 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 11 of ^{1946, c. 33, s. 29, cl. *e*, amended.} *The Game and Fisheries Amendment Act, 1947*, is further amended by inserting after the word "of" in the first line the word "Bruce" and by inserting after the word "Ontario" in the fourth line the word "Oxford", so that the clause shall read as follows:

Snares prohibited in certain counties.

Proviso.

- (e) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

1946, c. 33, s. 29, cl. f., amended. (2) Clause *f* of the said section 29 is amended by inserting after the word "Ontario" in the first line the words "except the Territorial Districts of Rainy River, Kenora and Thunder Bay", so that the clause shall read as follows:

Snares in open seasons.

- (f) use snares for any purpose in any part of Ontario except the Territorial Districts of Rainy River, Kenora and Thunder Bay during the open season for deer and moose in that part and during a period of one month immediately preceding the open season.

1946, c. 33, s. 39, cl. a., amended.

12. Clause *a* of section 39 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words "or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year", so that the clause shall read as follows:

deer, moose and birds.

- (a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations, or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year.

1946, c. 33, s. 43 (1948, c. 35, s. 11), amended.

13. Section 43 of *The Game and Fisheries Act, 1946*, as re-enacted by section 11 of *The Game and Fisheries Amendment Act, 1948*, is amended by striking out the word "or" at the end of clause *a*, by adding the word "or" at the end of clause *b* and by adding thereto the following clause:

- (c) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations.

1946, c. 33, s. 46, subs. 1, amended.

14. Subsection 1 of section 46 of *The Game and Fisheries Act, 1946* is amended by striking out all the words after the word "skins" in the fourth line and inserting in lieu thereof

Subsection 2. As dogs are not greatly used for deer hunting in the western part of the province the prohibition against using snares during the open season for deer is removed in the Territorial Districts of Rainy River, Kenora and Thunder Bay.

SECTION 12. This amendment will enable game to be stored under a licence until the end of August following the hunting season.

SECTION 13. This new clause will allow regulations to be made to deal with special cases for night hunting, such as coon hunting.

SECTION 14. The present subsection specifies the number of small game that may be taken out of Ontario by non-resident hunters. Hereafter these will be fixed in the regulations in order to make administration more flexible.

SECTION 15. Self-explanatory.

SECTION 16. The purpose of this new provision is to prevent the use of aircraft for spotting and shooting moose.

SECTION 17—Subsection 1. At the conference of Provincial and Dominion wildlife officials in 1948 it was considered desirable for a uniform standard to be adopted by all Provinces restricting all repeating shot-guns to three shots.

the words "and other species of game in the number authorized to be possessed at any one time by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada)", so that the subsection shall read as follows:

- (1) No non-resident entitled to hunt under a licence Export of game by
shall export in any one open season more game non-residents.
actually and lawfully killed by him than one deer,
one bull moose, all bears or their skins and other
species of game in the number authorized to be
possessed at any one time by the regulations made
under this Act or under the *Migratory Birds Con- R.S.C.,
vention Act* (Canada). c. 130.

15. Subsection 1 of section 50 of *The Game and Fisheries Act, 1946*, c. 33, s. 50, subs. 1, amended by inserting after the words "rainbow trout" in the fourth and sixth lines respectively the words "Kamloops trout", so that the subsection shall read as follows:

- (1) No person shall sell, offer for sale, purchase or barter, in certain or be concerned in the sale, purchase or barter of fish.
any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, where they are propagated by the holder of the licence.

16. *The Game and Fisheries Act, 1946* is amended by adding thereto the following section:

56a. Aircraft shall not be used in connection with hunting operations except as a means of transportation between a settlement or base of operations and a hunting camp,—

- (a) that is authorized to operate under any licence;
- or
- (b) that is situated on patented land; or
- (c) that is established on Crown land by Crown authority.

17.—(1) Clause *a* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946*, c. 33, s. 57, subs. 1, repealed and the following cl. *a*, re-enacted.

- (a) hunt any bird or animal with any repeating, automatic or auto-loading shot-gun, which has not been

permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine.

1946, c. 33,
s. 57, subs. 2,
repealed.

- (2) Subsection 2 of the said section 57 is repealed.

1946, c. 33,
amended.

18. *The Game and Fisheries Act, 1946* is amended by adding thereto the following sections:

Hunting
predatory
animals.

57a. Notwithstanding clause *a* of subsection 1 of section 56, section 56*a* and clause *d* of subsection 1 of section 57, predatory animals may be hunted from aircraft, motor cars or other vehicles in such areas and subject to such terms and conditions as may be permitted in writing by the Minister.

Removal of
records, etc.

62a. Where any seizure of game is made, any officer may remove to safe-keeping any books or records kept in accordance with the requirements of this Act or the regulations.

1946,
c. 33, s. 69,
amended.

19. Section 69 of *The Game and Fisheries Act, 1946*, as amended by section 18 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word "or" at the end of clause *b*, by adding the word "or" at the end of clause *c* and by adding thereto the following clause:

returns.

(*d*) making of returns by licensees, the production of a return made by a licensee shall be *prima facie* evidence of the making of such return and the contents thereof.

1946, c. 33,
s. 70, subs. 1,
cl. *a*, re-enacted.

20.—(1) Clause *a* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Deer, etc.

(*a*) deer, moose, caribou or wapiti shall incur a penalty,

- (i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,
- (ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or
- (iii) of not less than \$50 and not more than \$200 for each deer or wapiti the subject of the prosecution.

Subsection 2. Complementary to subsection 1.

SECTION 18. Section 57a is new and is self-explanatory.

Section 62a is new and is designed to assist in the proper enforcement of the Act.

SECTION 19. This clause is new. It is designed to assist in the proper enforcement of the Act.

SECTION 20—Subsection 1. This is a general increase of these penalties. At the present time the penalty is not less than \$20 and not more than \$100 in respect of deer, moose, caribou or wapiti.

Subsection 2. The penalty in respect of musk-rat is increased. At the present time the penalty is not less than \$1 and not more than \$20, which is less than the value of the pelt.

SECTION 21—Subsection 1. Clause *aa* as re-enacted will assist in the administration of trap-line areas which are now established by licence.

The proposed clause *aaa* applies to summer licences and will enable closer control to be maintained.

Subsection 2. As re-enacted, clause *d* has two new elements. Foxes have been added and power given the Minister to approve a limit on the number of licences to be issued.

Subsection 3. The proposed clauses *ee* and *ff* are self-explanatory. See also section 7 of this Bill. The new clause *mm* is to provide for reciprocal arrangements with adjoining provinces.

(2) Clause *f* of subsection 1 of the said section 70 is repealed ^{1946, c. 33,}
and the following substituted therefor: <sup>s. 70, subs. 1,
cl. *f*, re-enacted.</sup>

- (*f*) musk-rat or their pelts shall incur a penalty of not Musk-rats,
less than \$5 and not more than \$25 for each musk-rat
or pelt the subject of the prosecution; or
- (*g*) any fur-bearing animal upon which a royalty is levied ^{Fur-bearing animals—exception.}
under section 25 other than beaver, fisher, marten,
musk-rat or otter, shall incur a penalty of not less
than \$1 and not more than \$20 for each animal or
pelt the subject of the prosecution.

21.—(1) Clause *aa* of section 72 of *The Game and Fisheries Act, 1946*,
as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted <sup>c. 33, s. 72,
cl. *aa* (1947),
c. 40, s. 15,
re-enacted.</sup> therefor:

- (*aa*) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, prescribing the conditions governing such transfers and dividing the Province or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
- (*aaa*) respecting any licence issued under subsection 1*a* of section 10 and to provide limitations with respect to the area in which such licence shall be valid.

(2) Clause *d* of the said section 72 is repealed and the following substituted therefor: <sup>1946, c. 33,
s. 72, cl. *d*,
re-enacted.</sup>

- (*d*) authorizing townships or township organizations approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes and with the approval of the Minister to limit the number of such licences within the township or within the lands controlled by the township organizations.

(3) The said section 72 is further amended by adding <sup>1946,
c. 33, s. 72,
amended.</sup> thereto the following clauses:

- (*ee*) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing specifications for such camps, the terms and conditions under which such camps may be erected, maintained and operated and providing for their inspection and classification and the registration of tourists and guides in such camps;

(ff) designating water areas in which non-resident owners, operators or persons in charge of in-board motor boats used for angling shall employ licensed guides;

(mm) permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act.

short title. **22.** This Act may be cited as *The Game and Fisheries Amendment Act, 1949.*

An Act to amend The Game and Fisheries
Act, 1946.

1st Reading

March 28th, 1949

2nd Reading

3rd Reading

MR. SCOTT (Peterborough)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT (Peterborough)

TORONTO

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No. 176

1949

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word “rabbit” in the second line, so that the clause shall read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, “fur-bearing lynx, marten, mink, musk-rat, otter, racoon, skunk, red squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.

(2) Clause *ww* of the said section 1, as enacted by subsection 1 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is amended by inserting after the word “deadfall”, so that the clause shall read as follows:

(*ww*) “trap” shall mean any spring trap, gin, deadfall, “trap-snare, box or net used to capture game, and “trap-ping” shall have a corresponding meaning.

2. Section 7 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subsection:

(10) Any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night.

3.—(1) Subsection 1 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the word “game” in the third line and inserting in lieu thereof the words “animal or bird”, so that the subsection shall read as follows:

Fire-arms.

- (1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any animal or bird.

<sup>1946, c. 33,
s. 10, subs. 3,</sup> (2) Subsection 3 of the said section 10, as amended by re-enacted. subsection 3 of section 6 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor:

Power of
fire-arms.

- (3) The holder of a licence issued under subsection 1 shall not,—

(a) carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle"; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

<sup>1946, c. 33,
s. 11, subs. 2,</sup> 4. Subsection 2 of section 11 of *The Game and Fisheries Act, 1946* is repealed.

<sup>1946,
c. 33, s. 14,</sup> 5. Section 14 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Dealing in
musk-rat,
etc.

14. Notwithstanding anything in this Act any person may under a licence sell the meat of any musk-rat, beaver, raccoon or bear where taken lawfully and any person may without a licence possess or buy any such meat for his own use.

<sup>1946, c. 33,
s. 16, subs. 3,</sup> 6. Subsection 3 of section 16 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words "or as a pet", so that the subsection shall read as follows:

Game for
educational
purposes,
etc.

- (3) The Deputy Minister may issue a licence to any person to possess live game for scientific and educational purposes or as a pet.

<sup>1946,
c. 33, s. 20,
subs. 4,
repealed.</sup> 7. Subsection 4 of section 20 of *The Game and Fisheries Act, 1946* is repealed.

<sup>1946, c. 33,
s. 23, cl. c,
amended.</sup> 8. Clause c of section 23 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subclause:

- (v) to hunt wolves from the 1st day of March to
 the 15th day of June..... 5.00
 and an issuing fee of..... .25

9. Section 26 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

<sup>1946,
c. 33, s. 26.
re-enacted.</sup>

26. No person shall hunt, kill or destroy, or attempt to ^{Open seasons.} hunt, kill or destroy any caribou, deer, moose or wapiti (elk) except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe.

10.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, as amended by subsection 1 of section 9 of <sup>1946, c. 33,
s. 27, subs. 1.
amended.</sup> *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word "time" in the first line and after the word "to" in the amendment of 1948 respectively the word "trap", so that the subsection shall read as follows:

- (1) No person shall at any time trap, hunt, take or kill ^{Beaver.} or attempt to trap, hunt, take or kill any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department.

- (2) Subsection 2 of the said section 27, as amended by subsection 2 of section 9 of <sup>1946, c. 33,
s. 27, subs. 2.
amended.</sup> *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word "shall" in the first line the word "trap", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) No person shall trap, hunt, take or kill, or possess <sup>Trapping,
hunting,
etc.</sup> the carcass, pelt or any part of,—

- 11.**—(1) Clause *e* of section 29 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 11 of <sup>1946, c. 33,
s. 29, cl. e.
amended.</sup> *The Game and Fisheries Amendment Act, 1947*, is further amended by inserting after the word "of" in the first line the word "Bruce" and by inserting after the word "Ontario" in the fourth line the word "Oxford", so that the clause shall read as follows:

Snares prohibited in certain counties.

Proviso.

1946, c. 33,
s. 29, cl. f,
amended.

Snares in open seasons.

1946, c. 33,
s. 39, cl. a,
amended.

deer, moose
and birds.

1946,
c. 33, s. 43
(1948,
c. 35, s. 11),
amended.

1946, c. 33,
s. 46, subs. 1,
amended.

- (e) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

(2) Clause *f* of the said section 29 is amended by inserting after the word "Ontario" in the first line the words "except the Territorial Districts of Rainy River, Kenora and Thunder Bay", so that the clause shall read as follows:

- (f) use snares for any purpose in any part of Ontario except the Territorial Districts of Rainy River, Kenora and Thunder Bay during the open season for deer and moose in that part and during a period of one month immediately preceding the open season.

12. Clause *a* of section 39 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words "or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year", so that the clause shall read as follows:

- (a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations, or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year.

13. Section 43 of *The Game and Fisheries Act, 1946*, as re-enacted by section 11 of *The Game and Fisheries Amendment Act, 1948*, is amended by striking out the word "or" at the end of clause *a*, by adding the word "or" at the end of clause *b* and by adding thereto the following clause:

- (c) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations.

14. Subsection 1 of section 46 of *The Game and Fisheries Act, 1946* is amended by striking out all the words after the word "skins" in the fourth line and inserting in lieu thereof

the words "and other species of game in the number authorized to be possessed at any one time by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada)", so that the subsection shall read as follows:

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins and other species of game in the number authorized to be possessed at any one time by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada). Export of game by non-residents. R.S.C., c. 130.

15. Subsection 1 of section 50 of *The Game and Fisheries Act*, 1946, c. 33, s. 50, subs. 1, is amended by inserting after the words "rainbow trout" in the fourth and sixth lines respectively the words "Kamloops trout", so that the subsection shall read as follows:

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, where they are propagated by the holder of the licence. No traffic in certain fish.

16. *The Game and Fisheries Act*, 1946 is amended by adding thereto the following section: 1946, c. 33, s. 57, subs. 1, cl. a, re-enacted.

56a. Aircraft shall not be used in connection with hunting operations except as a means of transportation between a settlement or base of operations and a hunting camp,— Use of aircraft.

- (a) that is authorized to operate under any licence; or
- (b) that is situated on patented land; or
- (c) that is established on Crown land by Crown authority.

17.—(1) Clause *a* of subsection 1 of section 57 of *The Game and Fisheries Act*, 1946, c. 33, s. 57, subs. 1, is repealed and the following substituted therefor: cl. a, re-enacted.

- (a) hunt any bird or animal with any repeating, automatic or auto-loading shot-gun, which has not been Automatic shot-gun.

permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine.

1946, c. 33,
s. 57, subs. 2,
repealed.

(2) Subsection 2 of the said section 57 is repealed.

1946, c. 33,
amended.

18. *The Game and Fisheries Act, 1946* is amended by adding thereto the following sections:

Hunting
predatory
animals.

57a. Notwithstanding clause *a* of subsection 1 of section 56, section 56a and clause *d* of subsection 1 of section 57, predatory animals may be hunted from aircraft, motor cars or other vehicles in such areas and subject to such terms and conditions as may be permitted in writing by the Minister.

• • • • •

Removal of
records, etc.

62a. Where any seizure of game is made, any officer may remove to safe-keeping any books or records kept in accordance with the requirements of this Act or the regulations.

1946,
c. 33, s. 69,
amended.

19. *The Game and Fisheries Act, 1946*, as amended by section 18 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word "or" at the end of clause *b*, by adding the word "or" at the end of clause *c* and by adding thereto the following clause:

returns.

(d) making of returns by licensees, the production of a return made by a licensee shall be *prima facie* evidence of the making of such return and the contents thereof.

1946, c. 33,
s. 70, subs. 1,
cl. *a*, re-
enacted.

20.—(1) Clause *a* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Deer, etc.

- (a) deer, moose, caribou or wapiti shall incur a penalty,
 - (i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,
 - (ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or
 - (iii) of not less than \$50 and not more than \$200 for each deer or wapiti the subject of the prosecution.

(2) Clause *f* of subsection 1 of the said section 70 is repealed <sup>1946, c. 33,
s. 70, subs. 1,</sup>
and the following substituted therefor:
^{cl. *f*, re-enacted.}

- (*f*) musk-rat or their pelts shall incur a penalty of not ^{Musk-rat.}
less than \$5 and not more than \$25 for each musk-rat
or pelt the subject of the prosecution; or
- (g) any fur-bearing animal upon which a royalty is levied <sup>Fur-bearing animals—
exception.</sup>
under section 25 other than beaver, fisher, marten,
musk-rat or otter, shall incur a penalty of not less
than \$1 and not more than \$20 for each animal or
pelt the subject of the prosecution.

21.—(1) Clause *aa* of section 72 of *The Game and Fisheries Act, 1946*,
as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted <sup>c. 33, s. 72,
cl. *aa* (1947,
c. 40, s. 15),
re-enacted.</sup>
therefor:

- (*aa*) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, prescribing the conditions governing such transfers and dividing the Province or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
- (*aaa*) respecting any licence issued under subsection 1*a* of section 10 and to provide limitations with respect to the area in which such licence shall be valid.

(2) Clause *d* of the said section 72 is repealed and the following substituted therefor: <sup>1946, c. 33,
s. 72, cl. *d*,
re-enacted.</sup>

- (*d*) authorizing townships or township organizations approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes and with the approval of the Minister to limit the number of such licences within the township or within the lands controlled by the township organizations.

(3) The said section 72 is further amended by adding <sup>1946,
c. 33, s. 72,
amended.</sup> thereto the following clauses:

- (*ee*) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing specifications for such camps, the terms and conditions under which such camps may be erected, maintained and operated and providing for their inspection and classification and the registration of tourists and guides in such camps;

(ff) designating water areas in which non-resident owners, operators or persons in charge of in-board motor boats used for angling shall employ licensed guides;

• • • • •

(mm) permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act.

short title. **22.** This Act may be cited as *The Game and Fisheries Amendment Act, 1949.*

An Act to amend The Game and Fisheries
Act, 1946.

1st Reading

March 28th, 1949

2nd Reading

March 31st, 1949

3rd Reading

April 7th, 1949

Mr. SCOTT (Peterborough)

No. 177

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The amendments are designed to clarify the intent of the section.

SECTION 2. This provision is new. It is an alternative to meeting the requirements of subsection 1 (profit and loss statement, and statement of assets and liabilities) where the person acquiring the business is satisfied to accept the statement mentioned in subsection 1a.

No. 177

1949

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Real Estate and Business Brokers Act*, 1946,^{c. 85, s. 44.} is amended by striking out the word "salesman" in the second line and inserting in lieu thereof the word "person" and by adding at the end thereof the words "or person", so that the section shall read as follows:

44. No broker shall employ, permit or engage the sales-^{Employment of unregis-}
man of another broker or an unregistered person to
trade in real estate nor shall a broker pay commission
or other remuneration to any such salesman or broker.^{tered person or salesman of other broker.}

2. Section 48 of *The Real Estate and Business Brokers Act*, 1946,^{c. 85, s. 48.} as re-enacted by section 8 of *The Real Estate and Business Brokers Amendment Act*, 1947,^{c. 93, s. 8.} is amended by adding thereto the following subsection:

(1a) Where the broker delivers to the person acquiring ^{Waiver.} the business a statement under oath of the person disposing of the business setting forth,—

(a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on;

(b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on;

(c) all liabilities of the business; and

(d) that the person disposing of the business has made available such books of account of the

business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker a statement that he has received and read the statement under oath of the person disposing of the business.

1946,
c. 85, s. 56.
cl. *a*,
amended.

3. Clause *a* of section 56 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "from" in the third line the words "all or any of", so that the clause shall read as follows:

(*a*) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from all or any of the provisions of this Act.

Short title.

4. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1949*.

SECTION 3. This amendment will enable regulations to be made under which trust companies who carry on a real estate brokerage business and the salesmen in their real estate departments may be relieved of the necessity of filing bonds with their applications for licences under the Act. The present requirement is considered unduly onerous having regard to the supervision given trust companies under *The Loan and Trust Corporations Act, 1949.*

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

March 28th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 177

1949

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Real Estate and Business Brokers Act, 1946*,^{c. 85, s. 44.} is amended by striking out the word "salesman" in the second line and inserting in lieu thereof the word "person" and by adding at the end thereof the words "or person", so that the section shall read as follows:

44. No broker shall employ, permit or engage the sales-<sup>Employment
of unregis-
tered
person or
salesman of
other
broker.</sup> man of another broker or an unregistered person to trade in real estate nor shall a broker pay commission or other remuneration to any such salesman or person.

2. Section 48 of *The Real Estate and Business Brokers Act, 1946*,^{c. 85, s. 48.} as re-enacted by section 8 of *The Real Estate and Business Brokers Amendment Act, 1947*,^{c. 93, s. 8.} is amended by adding thereto the following subsection:

(1a) Where the broker delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth,—^{Waiver.}

(a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on;

(b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on;

(c) all liabilities of the business; and

(d) that the person disposing of the business has made available such books of account of the

business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker a statement that he has received and read the statement under oath of the person disposing of the business.

1946,
c. 85, s. 56,
cl. *a*,
amended.

3. Clause *a* of section 56 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "from" in the third line the words "all or any of", so that the clause shall read as follows:

(*a*) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from all or any of the provisions of this Act.

Short title.

4. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1949*.

An Act to amend The Real Estate and
Business Brokers Act, 1946.

1st Reading

March 28th, 1949

2nd Reading

March 31st, 1949

3rd Reading

April 7th, 1949

MR. BLACKWELL

No. 178

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 178

1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council upon the recommendation of the Minister of Health may appoint any person to conduct an inquiry into any matter of complaint, whether arising before or after the day this Act comes into force, concerning any member of the Board of Governors, officer, member of the staff or employee of the Windsor Metropolitan General Hospital or any matter pertaining thereto, and the person so appointed shall for that purpose have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*, and he shall with all convenient speed report together with such recommendations as he deems expedient, to the Minister of Health, the council of the City of Windsor and the Board of Governors of the Hospital. Power to make inquiry.
Rev. Stat., c. 19.
2. The Lieutenant-Governor in Council may fix the amount of fees or honorarium to be paid to the person appointed to make the inquiry. Honorarium.
3. The cost of the inquiry, including the fees or honorarium of the person appointed to make the inquiry, shall be paid by the Corporation of the City of Windsor if the council thereof requests that such inquiry be made. Cost.
4. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
5. This Act may be cited as *The Windsor Metropolitan Hospital Inquiry Act, 1949.* Short title.

The Windsor Metropolitan General
Hospital Inquiry Act, 1949.

1st Reading

March 29th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

MR. BLACKWELL

*(Reprinted for consideration by the Committee of the
Whole House.)*

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 178

1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council upon the recommendation of the Minister of Health may appoint any person to conduct an inquiry into any matter connected with or affecting the administration and management of the Windsor Metropolitan General Hospital and any matter of complaint concerning the Board of Governors or any member thereof or any member of the staff or any officer or employee of the Hospital and any matter pertaining to any of the aforesaid matters, whether arising before or after the day this Act comes into force, and the person so appointed shall for that purpose have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*, and he shall with all convenient speed report together with such recommendations as he deems expedient, to the Minister of Health, the council of the City of Windsor and the Board of Governors of the Hospital.

2. The Lieutenant-Governor in Council may fix the amount of fees or honorarium to be paid to the person appointed to make the inquiry.

3. The cost of the inquiry, including the fees or honorarium of the person appointed to make the inquiry, shall be paid by the Corporation of the City of Windsor if the council thereof requests that such inquiry be made.

4. Sections 4 and 5 of *The Public Inquiries Act* shall apply mutatis mutandis to any inquiry authorized under this Act.

5. This Act shall come into force on the day it receives the Royal Assent.

6. This Act may be cited as *The Windsor Metropolitan General Hospital Inquiry Act, 1949.*

The Windsor Metropolitan General
Hospital Inquiry Act, 1949.

1st Reading

March 29th, 1949

2nd Reading

3rd Reading

MR. BLACKWELL

(Reprinted for consideration by the Committee
of the Whole House.)

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 178

1949

BILL

The Windsor Metropolitan General Hospital Inquiry Act, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council upon the recommendation of the Minister of Health may appoint any person to conduct an inquiry into any matter connected with or affecting the administration and management of the Windsor Metropolitan General Hospital and any matter of complaint concerning the Board of Governors or any member thereof or any member of the staff or any officer or employee of the Hospital and any matter pertaining to any of the aforesaid matters, whether arising before or after the day this Act comes into force, and the person so appointed shall for that purpose have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*, and he shall with all convenient speed report together with such recommendations as he deems expedient, to the Minister of Health, the council of the City of Windsor and the Board of Governors of the Hospital.
Power to make inquiry. Rev. Stat., c. 19.
2. The Lieutenant-Governor in Council may fix the amount of fees or honorarium to be paid to the person appointed to make the inquiry.
Honorarium.
3. The cost of the inquiry, including the fees or honorarium of the person appointed to make the inquiry, shall be paid by the Corporation of the City of Windsor if the council thereof requests that such inquiry be made.
Cost. Rev. Stat., c. 19, ss. 4, 5.
4. Sections 4 and 5 of *The Public Inquiries Act* shall apply mutatis mutandis to any inquiry authorized under this Act.
Application of Rev. Stat., c. 19, ss. 4, 5.
5. This Act shall come into force on the day it receives the Royal Assent.
Commencement of Act.
6. This Act may be cited as *The Windsor Metropolitan General Hospital Inquiry Act, 1949.*
Short title.

The Windsor Metropolitan General
Hospital Inquiry Act, 1949.

1st Reading

March 29th, 1949

2nd Reading

March 31st, 1949

3rd Reading

April 7th, 1949

MR. BLACKWELL

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Milk Control Act, 1948.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The present section deals only with the case where the Board consists of four or more members. As re-enacted it will apply where the Board consists of more than two members.

SECTION 2—Subsection 1. Self-explanatory. The period is reduced in order to expedite the commencement of the collective bargaining.

Subsection 2. This provision is new. It is designed to expedite the commencement of collective bargaining and to prevent unwarranted delay.

SECTION 3. These subsections, providing for the setting up of a board of arbitration, are re-enacted with a view to expediting the procedures. They also provide for the third member of a board to be appointed by the Minister instead of by the appointees of the parties. The requirement that the third member must be a county court judge is also new.

No. 179

1949

BILL

An Act to amend The Milk Control Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Milk Control Act, 1948* <sup>1948, c. 55,
s. 2, subs. 4,</sup> is repealed and the following substituted therefor: ^{re-enacted.}

(4) Where the Board consists of more than two members ^{Quorum.} a majority shall constitute a quorum.

2.—(1) Subsection 5 of section 7 of *The Milk Control Act, 1948*, <sup>1948, c. 55,
s. 7, subs. 5,</sup> is amended by striking out the words "two weeks" in ^{amended.} the fourth line and inserting in lieu thereof the words "one week", so that the subsection shall read as follows:

(5) Where the persons required to bargain collectively <sup>Failure to observe
notice.</sup> do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within one week of the receipt of the notice under subsection 3, the Board may designate persons to represent them.

(2) The said section 7 is further amended by adding thereto <sup>1948,
c. 55, s. 7,
amended.</sup> the following subsection:

(6a) Collective bargaining shall commence within two weeks of the receipt of the notice by the persons required to bargain collectively and if collective bargaining does not so commence it shall be presumed that an agreement cannot be reached. <sup>Commencement of
bargaining.</sup>

3. Subsections 1, 2 and 3 of section 8 of *The Milk Control Act, 1948* are repealed and the following substituted therefor: <sup>1948,
c. 55, s. 8,
subs. 1, 2,
re-enacted,
subs. 3
repealed.</sup>

(1) When the collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the repre- <sup>Failure to
agree,
arbitration.</sup>

sentatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the Minister and shall be a judge of a county or district court.

Failure to
appoint.

- (2) Where either party fails to appoint a member of the board of arbitration within one week after the giving of the notice mentioned in subsection 1, or having appointed a person who is unable or unwilling to act, fails to appoint another member within such week or the following week, the Board may, upon the request of the other party, appoint a member in lieu thereof.

^{1948,}
c. 55, s. 9,
re-enacted.

4. Section 9 of *The Milk Control Act, 1948* is repealed and the following substituted therefor:

Filing of
agreements
and
awards.—
effective
date.

- 9.—(1) Every agreement and award shall be filed forthwith after the making thereof with the Board and shall come into force on the seventh day after it is so filed or on such later day as may be named in the agreement or award.

Where no
termination
date speci-
fied.

- (2) If no date of termination is provided in an agreement or award it shall remain in force for one year.

Re-negotia-
tion.

- (3) Notwithstanding subsection 2 or that a date of termination is provided in an agreement or award the Board may at any time upon application of any party thereto provide for the re-negotiation of any of its terms, but until a new agreement comes into force the existing agreement or award shall remain in force as though no such application had been made.

<sup>1948, c. 55,
s. 14, subs. 1,</sup> **5.**—(1) Subsection 1 of section 14 of *The Milk Control Act, 1948* is amended by adding thereto the following clauses:

(aa) designating markets;

• • • • •

(ff) providing for the administration and disposition by the Board of processors' or distributors' bonds or any moneys recovered under any such bond or any moneys or securities furnished as proof of financial responsibility;

SECTION 4. These provisions are self-explanatory.

SECTION 5. The power of the Board, subject to the approval of the Lieutenant-Governor in Council, to make regulations is enlarged in the manner specified in the new clauses.

(jj) regulating and controlling transporters' routes from producers to processors or distributors, or providing for the re-distribution of producers, processors or distributors on such routes or adding producers, processors or distributors to such routes;

• • • • •

(nn) providing for the weighing, sampling and testing of milk.

(2) Clause *o* of subsection 1 of the said section 14 is amended <sup>1948, c. 55,
s. 14, subs. 1,</sup> by inserting after the word "types" in the first line the words <sup>cl. o.
amended.</sup> "and sizes", so that the clause shall read as follows:

(o) prescribing the types and sizes of containers that shall be used by distributors.

6. This Act shall come into force on the day it receives the ^{Commencement of Act.} Royal Assent.

7. This Act may be cited as *The Milk Control Amendment* ^{Short title.} *Act, 1949.*

An Act to amend The Milk Control Act,
1948.

1st Reading

March 29th, 1949

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act to amend The Milk Control Act, 1948.

MR. KENNEDY

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 179

1949

BILL

An Act to amend The Milk Control Act, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Milk Control Act, 1948*,<sup>c. 55.
S. 2, subs. 4,
re-enacted.</sup> is repealed and the following substituted therefor:

(4) Where the Board consists of more than two members Quorum. a majority shall constitute a quorum.

2.—(1) Subsection 5 of section 7 of *The Milk Control Act, 1948*,<sup>c. 55.
S. 7, subs. 5,
amended.</sup> is amended by striking out the words "two weeks" in the fourth line and inserting in lieu thereof the words "one week", so that the subsection shall read as follows:

(5) Where the persons required to bargain collectively Failure to observe re-notice. do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within one week of the receipt of the notice under subsection 3, the Board may designate persons to represent them.

(2) The said section 7 is further amended by adding thereto<sup>1948,
c. 55, s. 7,
amended.</sup> the following subsection:

(6a) Collective bargaining shall commence within two weeks of the receipt of the notice by the persons required to bargain collectively and if collective bargaining does not so commence it shall be presumed that an agreement cannot be reached. Commencement of bargaining.

3. Subsections 1, 2 and 3 of section 8 of *The Milk Control Act, 1948* are repealed and the following substituted therefor:<sup>1948,
c. 55, s. 8,
subs. 1, 2,
re-enacted,
subs. 3
repealed.</sup>

(1) When the collective bargaining has proceeded for Failure to agree,— two weeks, or sooner if the representatives of either arbitration. party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the repre-

sentatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the Minister and shall be a judge of a county or district court.

Failure to appoint.

- (2) Where either party fails to appoint a member of the board of arbitration within one week after the giving of the notice mentioned in subsection 1, or having appointed a person who is unable or unwilling to act, fails to appoint another member within such week or the following week, the Board may, upon the request of the other party, appoint a member in lieu thereof.

1948,
c. 55, s. 9,
re-enacted.

4. Section 9 of *The Milk Control Act, 1948* is repealed and the following substituted therefor:

Filing of agreements and awards.—effective date.

- 9.—(1) Every agreement and award shall be filed forthwith after the making thereof with the Board and shall come into force on the seventh day after it is so filed or on such later day as may be named in the agreement or award.

Where no termination date specified.

- (2) If no date of termination is provided in an agreement or award it shall remain in force for one year.

Re-negotiation.

- (3) Notwithstanding subsection 2 or that a date of termination is provided in an agreement or award the Board may at any time upon application of any party thereto provide for the re-negotiation of any of its terms, but until a new agreement comes into force the existing agreement or award shall remain in force as though no such application had been made.

1948, c. 55,
s. 14, subs. 1,
amended. 5.—(1) Subsection 1 of section 14 of *The Milk Control Act, 1948* is amended by adding thereto the following clauses:

(aa) designating markets;



(ff) providing for the administration and disposition by the Board of processors' or distributors' bonds or any moneys recovered under any such bond or any moneys or securities furnished as proof of financial responsibility;



- (jj) regulating and controlling transporters' routes from producers to processors or distributors, or providing for the re-distribution of producers, processors or distributors on such routes or adding producers, processors or distributors to such routes;

 - (nn) providing for the weighing, sampling and testing of milk.
- (2) Clause *o* of subsection 1 of the said section 14 is amended <sup>1948, c. 55,
S. 14, subs. 1,
cl. o,
amended.</sup> by inserting after the word "types" in the first line the words "and sizes", so that the clause shall read as follows:
- (*o*) prescribing the types and sizes of containers that shall be used by distributors.
- 6.** This Act shall come into force on the day it receives the ^{Commencement of Act.} Royal Assent.
- 7.** This Act may be cited as *The Milk Control Amendment* ^{Short title.} *Act, 1949.*

An Act to amend The Milk Control Act,
1948.

1st Reading

March 29th, 1949

2nd Reading

March 31st, 1949

3rd Reading

April 7th, 1949

MR. KENNEDY

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1950.

MR. FROST

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 180

1949

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1950.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from the Honourable Preamble. Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1950, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding \$179,139.
811.00
granted for fiscal year 1949-50.

hundred and thirty-nine thousand, eight hundred and eleven dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1949, to the 31st day of March, 1950, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1949-50 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1949.

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1950, shall not be lapsed. Appropriations for 1949-50 unexpended

Rev. Stat.,
c. 24.

expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Accounting
for expendi-
ture.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commencement
of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1949*.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and fifty to defray expenses of:

Agriculture Department.....	\$ 8,142,267 .00
Attorney-General's Department.....	6,967,465 .00
Education Department.....	46,966,800 .00
Health Department.....	24,069,050 .00
Highways Department.....	3,055,300 .00
Insurance Department.....	109,700 .00
Labour Department.....	6,453,262 .00
Lands and Forests Department.....	14,835,600 .00
Lieutenant-Governor's Office.....	14,500 .00
Mines Department.....	846,700 .00
Municipal Affairs Department.....	1,360,825 .00
Planning and Development Department.....	1,057,415 .00
Prime Minister's Office.....	41,650 .00
Provincial Auditor's Office.....	201,000 .00
Provincial Secretary's Department.....	900,025 .00
Provincial Treasurer's Department.....	3,009,250 .00
Public Welfare Department.....	42,508,552 .00
Public Works Department.....	11,425,000 .00
Reform Institutions Department.....	6,335,900 .00
Travel and Publicity Department.....	589,550 .00
Miscellaneous.....	250,000 .00
Total estimates for expenditure of 1949-	
1950.....	\$179,139,811 .00

BILL

An Act for granting to His Majesty certain
sums of money for the Public Service of the
financial year ending the 31st day of
March, 1950.

1st Reading

April 1st, 1949

2nd Reading

April 1st, 1949

3rd Reading

April 1st, 1949

MR. FROST

1949

1ST SESSION, 23RD LEGISLATURE, ONTARIO
13 GEORGE VI, 1949

BILL

An Act respecting Leslie E. Wismer, M.P.P.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 181

1949

BILL

An Act respecting Leslie E. Wismer, M.P.P.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Leslie E. Wismer, member of the Assembly for the Electoral District of Riverdale, shall not, by reason of his appointment by the Minister of Labour to a board of conciliation under *The Labour Relations Board Act, 1947* in a certain industrial dispute between The Toronto Graphic Arts Association, The Master Printers and Bookbinders Association of Toronto, The Union Shop Employing Printers, and Toronto Typographic Composition Association, representing employers, and The Toronto Printing Pressmen and Assistants' Union No. 10, representing employees, be deemed to be or have been disqualified or rendered ineligible as a member of the Assembly nor to have forfeited his seat in the Assembly nor to have incurred liability to any penalty imposed by *The Legislative Assembly Act* for sitting and voting in the Assembly, notwithstanding anything to the contrary in the said Act or in any other Act; provided that the said Leslie E. Wismer shall not take or receive any remuneration for acting as a member of the said board other than his actual expenses.

2. This Act shall come into force on the day it receives the Royal Assent.

3. This Act may be cited as *The Leslie E. Wismer Act*, Short title. 1949.

BILL

An Act respecting Leslie E. Wisner,
M.P.P.

1st Reading

April 7th, 1949

2nd Reading

April 7th, 1949

3rd Reading

April 7th, 1949

MR. BLACKWELL

